

TABLE OF CONTENTS

Special Session - 1984 (8-16-84 through 8-30-84)

1984 Special Session cover page	i
1984 Special Session Officers of the Legislature	iii
1984 Special Session Legislative Members	iv
1984 Special Session Rules of the Legislature	vii
1984 Special Session Journal	1-81
1984 Special Session Chronology of Bills	83
1984 Special Session Chronology of Constitutional Amendment Resolutions	85
1984 Special Session Legislative Bills and Constitutional Amendment Resolutions Introduced	
By Senators	87
By Committee	none
1984 Special Session Bills and Resolutions	
Heard by Committee	92
1984 Special Session Summary of Legislation	93
1984 Special Session General Index	94
1984 Special Session Subject Index	1-3
1984 Special Session Section Index	4

Regular Session - 1985 (1-9-85 through 6-5-85)

1985 cover page	ix
1985 Officers of the Legislature	x
1985 Legislative Members	xi
1985 Rules of the Legislature	1-64
1985 Legislative Journal	1-2737
1985 Chronology cover page	2739
1985 Chronology of Bills	2741
1985 Chronology of Constitutional Amendment Resolutions ...	2971
1985 Bills and Constitutional Amendment Resolutions Introduced	
By Senators	2979
By Committees	3027
1985 Bills and Resolutions Heard by Committees	3032
1985 Summary of Legislation	3037
1985 General Index	3045
1985 Subject Index	
to Bills and Constitutional Amendment Resolutions	1-120
1985 Section Index	1-20
1985 Subject Index to Resolutions	1-39

i

**LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA
Volume 1**

**EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION**

1984

Convened January 4, 1984

Adjourned April 9, 1984

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

OFFICERS OF THE LEGISLATURE

Donald F. McGinley, (Lt. Governor), PresidentLincoln
 William E. Nichol, SpeakerScottsbluff
 Patrick J. O'Donnell, ClerkLincoln
 Richard Brown, Assistant ClerkLincoln
 Robert E. Palmer, Chaplain CoordinatorLincoln
 Lottie Henderson, PostmistressLincoln
 Norman J. Hubertus, Sergeant at ArmsLincoln

EXECUTIVE BOARD

Vard Johnson, OmahaChairperson
 Shirley Marsh, LincolnVice Chairperson
 William E. Nichol, ScottsbluffSpeaker
 William Barrett, LexingtonMember-at-large
 Emil E. Beyer, Jr., GretnaMember-at-large
 Calvin F. Carsten, AvocaMember-at-large
 Bernice R. Labedz, OmahaMember-at-large
 Loran Schmit, BellwoodMember-at-large
 Donald Wagner, OrdMember-at-large
 Jerome Warner, WaverlyEx-officio member

REVISOR OF STATUTESJoanne Pepperl

ENROLLMENT & REVIEW ATTORNEYMary Sommermeyer

FISCAL ANALYSTMichael Calvert

OMBUDSMANMarshall Lux

RESEARCHDr. Jack Rodgers

JOURNAL CLERKS

.....Janet Arps
Vicki Buck
Cheryl Buresh
Leona Shields

LEGISLATURE

MEMBERS

Dist.	Name	Address	Occupation	Counties
1	R. Wiley Remmers.....	Auburn.....	Farmer.....	Johnson, Nemaha, Otoe*, Pawnee, Richardson
2	Calvin F. Carsten.....	Avoca.....	Farmer.....	Cass, Otoe*
3	Emil E. Beyer, Jr.....	Gretna.....	Real Estate Investments	Sarpy*, Douglas*
4	Gary E. Hannibal.....	Omaha.....	Contractor.....	Douglas*
5	Bernice Labedz.....	Omaha.....	Public Relations/ Falstaff Brewing Corporation	Douglas*
6	Peter Hoagland.....	Omaha.....	Attorney.....	Douglas*
7	Karen Kilgarin.....	Omaha.....	Real Estate.....	Douglas*
8	Vard R. Johnson.....	Omaha.....	Attorney.....	Douglas*
9	Marge Higgins.....	Omaha.....		Douglas*
10	Carol McBride Pirsch.....	Omaha.....	Supervisor Community Relations, Northwestern Bell Telephone Co.	Douglas*
11	Ernie Chambers.....	Omaha.....	Barber.....	Douglas*
12	Chris Abboud.....	Ralston.....	Attorney.....	Douglas*
13	Dave Newell.....	Omaha.....	State Senator.....	Douglas*
14	Ron Withem.....	Papillion.....	Executive Director, Mechanical Contractors Association of Omaha	Sarpy*
15	Lowell C. Johnson.....	North Bend.....	Retired Engineer.....	Dodge*
16	James E. Goll.....	Tekamah.....	President, Tekamah Motors Inc. Ford-Lincoln-Mercury.....	Burt, Cuming*, Thurston, Washington
17	Merle Von Minden.....	Allen.....	Farmer.....	Dakota, Dixon, Wayne*

Dist.	Name	Address	Occupation	Counties
18	Harry B. Chronister	Schuyler	Agri-Business	Colfax, Cuming*, Dodge*, Stanton
19	Elroy M. Hefner	Coleridge	Business Executive	Cedar, Knox, Pierce, Wayne*
20	Glenn A. Goodrich	Omaha	Electrical Contractor	Douglas*
21	Richard Peterson	Norfolk	Beekeeper/Farmer	Madison
22	Lee Rupp	Monroe	Public Relations/ Real Estate	Boone*, Nance, Platte*
23	Loran Schmit	Bellwood	Farmer	Butler, Platte*, Saunders
24	Harold F. Sieck	Pleasant Dale	Farmer	Polk*, Seward, York
25	Jerome Warner	Waverly	Livestock/Farming	Lancaster*
26	Donald Wesely	Lincoln	Worker	Lancaster*
27	Louis William "Bill" Harris	Lincoln	Oil Exploration	Lancaster*
28	Chris Beutler	Lincoln	Attorney/Businessman	Lancaster*
29	Shirley Marsh	Lincoln	Homemaker	Lancaster*
30	Patricia S. Morehead	Beatrice	Homemaker/State Senator	Gage, Jefferson*
31	Gordon L. McDonald	Omaha	President, Nebraska State AFL/CIO	Douglas*
32	Don Eret	Dorchester	Farmer	Fillmore, Jefferson*, Saline, Thayer
33	Clarence E. Jacobson	Hastings	Retired Grain Merchant	Adams
34	Rod Johnson	Harvard	Farmer/Rancher	Clay, Hall*, Hamilton, Merrick, Polk*
35	Howard L. Peterson	Grand Island	Retired	Hall*
36	Ray E. Lundy	Kearney	Retired City Manager	Buffalo*, Hall*

Dist.	Name	Address	Occupation	Counties
37	Martin Kahle	Kearney	Retired Farmer	Buffalo*, Franklin, Kearney, Nuckolls, Webster
38	Thomas Vickers	Farnam	Stockman	Frontier, Furnas, Gosper, Harlan, Lincoln*, Red Willow
39	William E. "Bill" Barrett	Lexington	Real Estate/ Insurance	Dawson, Phelps
40	John W. DeCamp	Neligh	Attorney/Real Estate Broker and Developer	Antelope, Boone*, Boyd, Holt
41	Donald L. Wagner	Ord	Farmer	Custer*, Garfield, Greeley, Hall*, Howard, Loup, Sherman, Valley, Wheeler
42	James E. Pappas	North Platte	Self-Employed Businessman	Lincoln*
43	Howard A. Lamb	Anselmo	Rancher	Blaine, Brown, Cherry, Custer*, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
44	Rex Haberman	Imperial	State Senator	Arthur, Chase, Deuel, Dundy, Grant, Hayes, Hitchcock, Keith, Lincoln*, Perkins
45	George Fenger	Bellevue	Real Estate Investments	Sarpy*
46	David Landis	Lincoln	State Senator	Lancaster*
47	Robert L. Clark	Sidney	Merchant	Banner, Cheyenne, Garden, Kimball, Morrill, Scotts Bluff*
48	William E. Nichol	Scottsbluff	Retired	Scotts Bluff*
49	Sandra K. Scofield	Chadron	Career Counselor/ Consultant	Box Butte, Dawes, Sheridan, Sioux

Clerk

Patrick J. O'Donnell.....Lincoln

FIRST DAY - AUGUST 16, 1984
LEGISLATIVE JOURNAL
EIGHTY-EIGHTH LEGISLATURE
FIRST SPECIAL SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, August 16, 1984

Pursuant to a proclamation by His Excellency, Robert Kerrey, Governor of the State of Nebraska, the Eighty-Eighth Legislature, First Special Session assembled in the West Legislative Chamber of the State Capitol, at the hour of 10:05 a.m., Thursday, August 16, 1984, and was called to order by Speaker William E. Nichol.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

Presentation of colors by the Nebraska Air National Guard Ceremonial Unit.

DECLARATION

Members of the Legislature:

Pursuant to a proclamation issued by the Honorable Robert Kerrey, Governor of Nebraska, we are here and now assembled in the 88th Legislature, 1st Special Session of the Nebraska Legislature. I, as President, declare that we are now open for the transaction of business.

(Signed) William E. Nichol
Speaker

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris	Chronister, Harry B.	Goodrich, Glenn A.
Barrett, William E.	Clark, Robert L.	Hall, Tim
Beyer, Emil E. Jr.	DeCamp, John W.	Hannibal, Gary E.
Carsten, Calvin	Eret, Don	Harris, Bill
Chambers, Ernie	Fenger, George	Hefner, Elroy M.

Higgins, Marge
Jacobson, Clarence E.
Johnson, Lowell C.
Johnson, Rod
Kahle, Martin F.
Labeledz, Bernice
Lamb, Howard A.
Lundy, Ray E.
Marsh, Shirley

McDonald, Gordon L.
Morehead, Patricia S.
Nichol, William E.
Pappas, James E.
Peterson, Howard L.
Peterson, Richard
Remmers, R. Wiley
Rupp, Lee
Schmit, Loran

Scofield, Sandra K.
Sieck, Harold F.
Vickers, Thomas
Von Minden, Merle
Wagner, Donald L.
Warner, Jerome
Wesely, Donald
Withem, Ron

Messrs. Hoagland and Goll were excused; and Messrs. Beutler, Haberman, V. Johnson, Landis, Newell, and Mrs. Pirsch were excused until they arrive.

PROCLAMATION

BY VIRTUE OF THE AUTHORITY VESTED in the Governor by Article IV, Section 8, of the Constitution of the State of Nebraska, I, Robert Kerrey, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, DO HEREBY CALL the Legislature of Nebraska to convene in extraordinary session at the State Capitol on Thursday, August 16, 1984, at 10:00 a.m., for the purpose of considering the following subjects:

1. Proposals to submit to the electorate amendments to Article VIII, Section 1 of the Constitution of the State of Nebraska to authorize the Legislature to classify, for purposes of ad valorem taxation, land used solely for agriculture or horticultural purposes.

2. Proposals to submit to the electorate amendments to Article VIII, Section 2 of the Constitution of the State of Nebraska to authorize the Legislature to exempt in whole or in part, for purposes of ad valorem taxation, land used solely for agriculture or horticultural purposes.

3. Legislation permitting the Director of the Department of Banking and Finance to take possession of a domestic financial institution which is unable to meet its obligations as they mature, whose capital is impaired, which is conducting its business in an unsafe or unauthorized manner, or which is endangering the interests of depositors or savers.

4. Legislation permitting the acquisition of a domestic financial institution in the possession of the Director of the Department of Banking and Finance, by a non-domestic financial institution.

I direct that members of the Legislature of the State of Nebraska be notified of the convening of this extraordinary session by mailing to each of them a copy of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused

the Great Seal of the State of Nebraska to be affixed this 13th day of August, 1984.

(Signed) ROBERT KERREY
Governor

(SEAL)
Attest

(Signed) Allen J. Beermann
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected or appointed to serve in the Eighty-eighth Legislature, Special, 1984.

Further, I hereby certify that the Members so listed on the Official Roster attached hereto are the duly elected or appointed Members of the Unicameral Legislature in the State of Nebraska for the Eighty-eighth Legislature, Special, 1984.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixteenth day of August in the year of our Lord, one thousand nine hundred and eighty-four.

(Signed) ALLEN J. BEERMANN
Secretary of State

(SEAL)

Members of Nebraska Unicameral Legislature, Extraordinary Session

1 R. Wiley Remmers	8 Vard Johnson	15 Lowell C. Johnson
2 Calvin F. Carsten	9 Marge Higgins	16 James E. Goll
3 Emil E. Beyer, Jr.	10 Carol McBride Pirsch	17 Merle Von Minden
4 Gary E. Hannibal	11 Ernest Chambers	18 Harry B. Chronister
5 Bernice Labedz	12 Chris Abboud	19 Elroy M. Hefner
6 Peter Hoagland	13 David R. Newell	20 Glenn A. Goodrich
7 Timothy John Hall	14 Ron Withem	21 Richard Peterson

LEGISLATIVE JOURNAL

22 Lee Rupp	31 Gordon McDonald	40 John W. DeCamp
23 Loran Schmit	32 Donald Eret	41 Don Wagner
24 Harold F. Sieck	33 Clarence E. Jacobson	42 James E. Pappas
25 Jerome Warner	34 Rod Johnson	43 Howard Lamb
26 Don Wesely	35 Howard Peterson	44 Rex Haberman
27 L. William Harris	36 Ray Lundy	45 George Fenger
28 Chris Beutler	37 Martin F. Kahle	46 David Landis
29 Shirley Marsh	38 Tom Vickers	47 Robert L. Clark
30 Patricia S. Morehead	39 William E. Barrett	48 William E. Nichol
		49 Sandra K. Scofield

RESIGNATION

April 19, 1984

Lt. Governor Donald McGinley,
 Presiding Officer, Nebraska Legislature
 State Capitol
 Lincoln, Nebraska 68509

Dear Mr. President and Senators,

With this letter I hereby resign as State Senator for the Seventh Legislative District, effective May 1, 1984.

It has been a great honor serving with you.

Respectfully yours,
 (Signed) Karen Kilgarrin

cc: Members of the Legislature
 Governor Robert Kerrey
 Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

August 9, 1984

Mr. President
 Mr. Speaker and
 Members of the Legislature
 State Capitol Building
 Lincoln, NE 68509

Dear Senators:

This is to inform your honorable body that I have made the following appointment requiring Legislative confirmation:

State Senator, 7th District, Nebraska State Legislature - Tim J. Hall.

Respectfully submitted
(Signed) ROBERT KERREY
Governor

MESSAGE FROM THE SECRETARY OF STATE

August 16, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

I hand you herewith the official appointment and oath of Timothy John Hall as a Member of the Legislature from the Seventh (7th.) Legislative District for the unexpired term of Karen Kilgarin, resigned.

Sincerely,
(Signed) ALLEN J. BEERMANN
Secretary of State

AJB:mrh
Enclosure

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Timothy John Hall has been appointed as a Member of the Nebraska Unicameral Legislature from the Seventh (7th.) District for the unexpired term of Karen Kilgarin, resigned. The term beginning August 9, 1984 shall continue until January 9, 1985 or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor Robert Kerrey under the authority granted by the Constitution and by Section 32-1042 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this sixteenth day of August in the year of our Lord, one thousand nine hundred and eighty-four.

(Signed) ALLEN J. BEERMANN
Secretary of State

(SEAL)

GUBERNATORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert Kerrey, Governor of the State of Nebraska, do hereby appoint Tim J. Hall of Omaha as a member of the Nebraska State Legislature, 7th District. This appointment shall take effect on August 9, 1984 and continue until as prescribed by law provided you shall satisfactorily perform all the duties imposed by law.

Said appointee succeeds Karen Kilgarin, resigned.

Done at Lincoln, Nebraska, this 9th day of August 1984.

(Signed) Robert Kerrey
Governor, State of Nebraska

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I, Timothy John Hall, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Unicameral Legislature Dist. 7 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Timothy John Hall

Subscribed in my presence and sworn to before me this 9th day of August, 1984.

(Signed) Allen J. Beermann
Notary Public

(SEAL)

*Constitution of the State of Nebraska,
Article XV, Section One.

Replaces Senator Karen Kilgarin, Resigned.

REPORTS

The following reports were received by the Legislature:

Proposed lease contracts from State Building Division for the following: Hastings Regional Center, Norfolk Regional Center, Buildings 1033, 1034, 2699, and 1028 at Lincoln Air Park West, J. G. Elliott Building-Scottsbluff, Pierce County Courthouse, Lincoln Airport-General Aviation Building, and 604 The Atrium-Lincoln.

Report from the Nebraska Department of Personnel of evaluations of the competitive standing of the state's hiring rates and maximum salary rates with recommendations for any necessary revisions of such rates in accordance with section 81-1335, part 3.

Individual reports of all loans made under the Agricultural Division of the Nebraska Investment Finance Authority pursuant to Section 45 of LB 626, 1983.

Copy of the Modification of Title III Grant No. 31-31-11 from the Department of Labor, Division of Job Training, which outlines plans to serve Dislocated Workers in the Greater Nebraska Service Delivery Area.

Audit report from Auditor of Public Accounts for the following: Department of Veterans' Affairs, Mexican American Commission, Secretary of State, Department of Energy, Commission on Law Enforcement and Criminal Justice, Department on Aging, Nebraska Natural Resources Commission, Lieutenant Governor, Department of Health, Nebraska Investment Council, Department of Motor Vehicles, Legislative Council, Board of Educational Lands and Funds, Nebraska Commission for the Hearing Impaired.

Annual report from the Nebraska Development Finance Fund.

Biennial report from the Nebraska Gasohol Committee.

Modification of the Greater Nebraska Job Training Plan from the Department of Labor, Division of Job Training.

Statement of deposits to Highway Cash Fund and Roads Operation Cash Fund from the Department of Roads for March, April, May, and June.

Annual report from the Department of Roads, Highway Safety Division.

Minutes of the regular meetings of the Board of Public Roads Classifications and Standards for March, April, May, and June.

Quarterly report from the Department of Roads, Nebraska State Highway Commission.

Report of Examination of the Auditor of Public Accounts.

MESSAGES FROM THE GOVERNOR

April 11, 1984

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Educational Lands and Funds, requiring legislative confirmation.

Appointee: Randy Bruns, Box 9, Chappell, Nebraska 69129, (308) 874-3276 - Term: 4/11/84 to 10/1/85 - Succeeds: Ed Narjes, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 16, 1984

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Game and Parks Commission, requiring legislative confirmation.

Appointee: Richard L. Coyne, 9929 Essex Street, Omaha, Nebraska 68114, (402) 393-7325 - Term: 5/16/84 to 1/15/87 - Succeeds: C. Mickey Skinner, resigned.

This appointment is respectfully submitted for your consideration.

FIRST DAY - AUGUST 16, 1984

9

(Signed) Sincerely,
ROBERT KERREY
Governor

June 7, 1984

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Motor Vehicle Industry Licensing Board, requiring legislative confirmation.

Appointee: Richard L. Noring, c/o Corvette Nebraska Inc., 110 East 3rd Street, Madison, Nebraska 68748, (402) 454-3308 (o), (402) 454-6679 (h) - Term: 6/7/84 to 5/18/87 - Succeeds: Robert Borgmann, term expired.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,
ROBERT KERREY
Governor

June 29, 1984

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Commission for the Hearing Impaired, requiring legislative confirmation.

Appointee: John Ramold, 106 East Adams, O'Neill, Nebraska 68763, (402) 336-1335 - Term: 6/29/81 to 1/31/88 - Succeeds: Henry Barthuly, resigned.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,
ROBERT KERREY
Governor

July 13, 1984

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Personnel Board, requiring legislative confirmation.

Appointee: Timothy J. Doyle, Attorney at Law, 420 American Charter Center, 206 South 13th Street, Lincoln, Nebraska 68508, 476-6585 (o) - Term: 6/13/84 to 8/4/88 - Succeeds: Charles Pallesen, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

July 25, 1984

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Accountability and Disclosure Commission, requiring legislative confirmation.

Appointee: Ronald R. Volkmer, 2539 North 55th Street, Omaha, Nebraska 68104, 551-6394 (h), 280-2875 (o) - Term: 7/25/84 to 7/1/90 - Succeeds: Bill Mountford, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

ATTORNEY GENERAL'S OPINIONS

Opinion No. 209

April 24, 1984

Dear Senator Pappas:

For the purpose of possible corrective legislation at the next session, you have asked us for an interpretation of LB 796, which amended §77-2704 to grant exemption from sales and use tax to oxygen sold under a doctor's prescription for aid in human respiration. You ask whether this includes equipment used to produce oxygen, and specifically whether it includes equipment referred to as "concentrators."

We have checked with medical supply people to find out what a "concentrator" is, and are informed that it is a piece of equipment, usually taken to the home of the patient, which takes oxygen from the air for the use of the patient. In other words, the patient has not bought any oxygen, he has simply bought, or, in most cases, leased, equipment which will produce oxygen.

We believe it is quite clear that such equipment does not qualify for the exemption given by LB 796. It is axiomatic that exemptions from taxation are strictly construed, and that a claimant for an exemption must show that he clearly comes within the terms of the language granting the exemption. Here, no oxygen is being purchased, but only equipment to produce it is involved. It clearly does not qualify.

You expressed your feeling that this was true, and said you believed that only oxygen and its container qualified under LB 796. We express no opinion about whether the exemption extends to the container. As we understand it, in most cases the question will not arise, as title to the container remains in the seller, who replaces the empty cylinders with full ones, and picks up the empty ones.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
Ralph H. Gillan
Assistant Attorney General

(Signed)

RHG:ejg

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 217

July 16, 1984

Dear Senator Chronister:

This is in response to your letter of July 2, 1984, in which you are seeking an opinion as to the application of the definition of a fertilizer trailer as found in Neb.Rev.Stat. §60-301(22) (Reissue 1978) to a piece of equipment which you refer to as a "tool bar."

The equipment in question is designed to be used in the fields behind a tractor and is not designed for operation over the highways of the state. This piece of equipment, according to our understanding, performs two functions. It first loosens or cultivates the soil, eliminating the necessity of using a cultivator, and also applies fertilizer. While this piece of equipment may have a small tank mounted on top of it, the fertilizer is primarily supplied by a nurse tank pulled behind this piece of equipment. It is not designed or used to transport fertilizer to and from the fields. It is also our understanding that this piece of equipment is sometimes used solely for the purpose of cultivation without any application of fertilizer.

The piece of equipment is not a motor vehicle as that term is defined in Neb.Rev.Stat. §60-301(1) (Reissue 1978) or a trailer as that definition is set forth in Neb.Rev.Stat. §60-301(4) (Reissue 1978), and is thus not required to be registered as such under the terms of Neb.Rev.Stat. §60-302 (Reissue 1978). The only question is whether or not this piece of equipment is a fertilizer trailer as defined in Neb.Rev.Stat. §60-301(22) (Reissue 1978), and is thus required to be registered as such under the terms of Neb.Rev.Stat. §60-332 (Reissue 1978).

Section 60-301(22) provides as follows:

Fertilizer trailer shall mean any trailer designed and used exclusively to carry or apply agricultural fertilizer and having a gross weight including load thereon of twenty thousand pounds or less, which trailers shall carry on their license plate in addition to the registration number, the letter X; . . .

While upon first glance it might appear that this piece of equipment does fall within the terms of this definition, it is also fairly certain that the definition was never intended to apply to this type of field equipment. The definition only applies, however, to equipment "designed and used exclusively to carry or apply agricultural fertilizer." As indicated, this equipment serves a dual function, not only the application of fertilizer, but also that of cultivation. Thus it would not fall within the strict terms of the definition, and thus is not required to be registered as a fertilizer trailer. As an aside, serious consideration should be given to the amendment of this particular definition to avoid such difficulties in the future.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) John Boehm
Assistant Attorney General

JB:ejg

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 218
July 18, 1984

Dear Senator Lundy:

We are in receipt of your letter of July 13, 1984, informing us of your desire to accept temporary appointment as the Holdrege City Administrator.

In your letter you call to our attention the provisions of Article III, Section 9 of the Nebraska Constitution and ask whether or not in our opinion this constitutional provision would prohibit your accepting this temporary position.

We agree with the research you have furnished that such a position is not an office within the meaning of Article III, Section 9, and that therefore this constitutional language would not prohibit your temporarily accepting such a position. We suggest, however, that there is a distinction between the position of City Administrator and City Manager, and our opinion in this regard is limited to the question of whether or not you might serve as temporary City Administrator.

We also note in passing the language of Article III, Section 16 of the Nebraska Constitution which provides:

No member of the Legislature or any state officer shall have a conflict of interest, as defined by the Legislature, directly in any contract, with the state or any county or municipality thereof, authorized by any law enacted during the term for which he shall have been elected or appointed, or within one year after the expiration of such term.

It would appear to us that the contract of employment between yourself and the City of Holdrege would not have been authorized by "any law enacted during the term for which (you) shall have been elected or appointed." However, since this constitutional provision provides further: "The Legislature shall prescribe standards and definitions for determining the existence of such conflicts of interest in contracts," we call it to your attention and suggest that you may want to make further inquiry of the Legislature itself as to whether or not any definitions have been formulated which would be different than the observation expressed above.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:jmh
L-12

cc: Patrick J. O'Donnell
Clerk of the Legislature

July 19, 1984

Dear Ms. Pepperl:

This is in response to your inquiry concerning your publication of §28-1101 in the 1984 cumulative supplement in light of LB 744 and LB 949 of the 1984 legislative session.

Enclosed is our Attorney General's Opinion No. 213, dated June 8, 1984. We call your attention particularly to the language on page 3 of said opinion that, "The changes in §28-1101 added by the latter bill (LB 949) are very minor and in no way in conflict with the changes made by LB 744. We further went on to state:

Section 49-679 (Supp. 1982) provides in part:

When one section of the statutes is amended in two or more bills in the same session of the Legislature, and has not been correlated as a part of the normal legislative process and the amendments are entirely reconcilable and not in conflict with each other, it shall be the duty of the Revisor of Statutes to correlate them so as to reflect all such amendments. . . .

It appears to us that the amendments in these two bill are entirely reconcilable and must be correlated by the Revisor of Statutes. (Emphasis added.)

Neb.Rev.Stat. §49-770 (Supp. 1982), also mentioned in your letter, provides substantially the opposite of the above section, that is, that when the two bills are not entirely reconcilable and are in conflict with each other, the Revisor of Statutes shall cause only the latest version to be published. As already stated in the attached opinion, the two bills are entirely reconcilable and 49-770 does not, in our opinion, apply.

You will also note in the attached opinion that we emphasize that LB 744 was already in effect before LB 949 was passed by the Legislature and that LB 949 did not comply with Article III, Section 14, of the Nebraska Constitution and therefore, even though a later act, would not affect the efficacy of LB 744.

If you have any further questions in this regard, please contact us.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
attach.

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 220
July 25, 1984

Dear Senator Pappas:

You have asked our interpretation of Neb.Rev.Stat. §76-1002 (Reissue 1981), as amended by LB 679 in 1984. You asked for the reason that you will introduce corrective legislation if our

interpretation does not conform to your intention. That section now reads:

Transfers in trust of real property may be made to secure (1) existing debts or obligations created simultaneously with the execution of the trust deed, (2) future advances necessary to protect the security, (3) any future advances to be made at the option of the parties, or (4) the performance of an obligation of any other person named in the trust deed to a beneficiary. All right, title, interest, and claim in and to the trust property acquired by the trustor, or his or her successors in interest, subsequent to the execution of the trust deed, shall inure to the trustee as security for the obligation or obligations for which the trust property is conveyed in like manner as if acquired before execution of the trust deed.

The underlined material was added by LB 679. As we understand your question, you wonder what future advances will be given priority over liens arising after the filing of the trust deed.

It appears to us that, if authorized in the trust deed itself, any future advances, to the extent authorized, will have priority as of the date of the filing of the trust deed, and hence will take priority over liens arising after the filing of the trust deed but before the future advances are made.

We believe that it is clear that in order for "future advances to be made at the option of the parties" to be covered by the lien of the trust deed, the transfer in trust must have been "made to secure" such future advances. If future advances are not mentioned, the trust deed was not made to secure them, and no lien arises. If they are provided for in the deed, they will become liens, with priority as of the filing of the deed, subject to any limitations contained in the deed.

Neb.Rev.Stat. §76-238.01 (Reissue 1981) provides for the lien of future advances on real estate mortgages, and apparently requires the mortgage to contain limitations on the amount or percentage of future advances. Since that language was not contained in LB 679, it does not apply to trust deeds under §76-1002.

Our court has upheld the propriety of creating liens for future advances. In O'Neill Production Credit Association v. Mitchell, 209 Neb. 206, 307 N.W.2d 115 (1981), the court said:

Although mortgage clauses which undertake to secure subsequent debts are not favored in equity and are carefully scrutinized and strictly construed, they will, in the absence of other legal prohibition, be enforced to the extent they are determined to have been within the intent of the parties.

We therefore conclude that future advances authorized by the trust deed will have priority over interests in real estate perfected between the time of the filing of the trust deed and the future advance. As we understand your letter, that was your intention, in supporting LB 679.

We understand that one of your concerns is for the situation where a trust deed is taken to secure a promissory note given at the time of the execution of the trust deed, which deed provides for optional future advances. Later the borrower wants additional money, so the

original note is marked "paid in full," and a new note is executed for the balance due on the old note, plus the additional funds borrowed. Your question is whether §76-1002, as it now reads, gives the new note lien priority as of the original filing of the trust deed.

We will not undertake to advise lending institutions or their attorneys how to protect themselves in this situation, but we think it can be done without further amendment of the statute. Probably the new note should contain some recitation to the effect that it was a renewal of the old note, plus an additional advance, to make it clear that it was not an entirely new transaction. The decision of exactly how to handle this is one for the attorneys for the lender, but we do not believe any additional legislation is necessary to permit this result to be obtained.

Very truly yours,
 PAUL L. DOUGLAS
 Attorney General
 (Signed) Ralph H. Gillan
 Assistant Attorney General

RHG:ejg

cc: Patrick J. O'Donnell
 Clerk of the Legislature

MOTION - Election of Officers

Mrs. Marsh moved that the following officers be elected to serve for the 88th Legislature, First Special Session:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard Brown
Acting Sergeant At Arms	Norman J. Hubertus
Chaplain Coordinator	Dr. Robert E. Palmer

The motion prevailed.

MOTION - Notify Governor

Mr. Warner moved that the Speaker appoint a committee of five to notify the Governor that the Legislature is now convened, organized, and ready for the transaction of business and to return with any message the Governor may have for this, the First Special Session of the Eighty-Eighth Legislature.

The motion prevailed.

The Chair appointed Messrs. Clark, Newell, McDonald, Jacobson, and Wagner to serve on said committee.

EASE

The Legislature was at ease from 10:22 a.m. until 10:26 a.m.

The committee escorted Governor Robert Kerrey to the rostrum where he delivered the following message:

Mr. Speaker and Senators:

I want to thank you for answering my call to convene this Special Session of the Legislature. All of you are dedicated public servants. All of you have other work which occupies your summer. I am grateful for the sacrifice you make by coming together today.

I am asking you to consider the state problems which I believe are of sufficient urgency to justify our immediate attention. First, I am asking you to consider the crisis which will face many of our food producers this next year when the county assessors begin to implement the Kearney Holiday Inn decision handed down by the Nebraska Supreme Court. Second, I am asking you to consider a change in our bank law which will not only enable us to solve an immediate short-term crisis with failed financial institutions, but is also consistent with what I believe is good policy for the future.

Agriculture and banking. Both are critical to our state's health. Both are struggling now in an era of profound change. Both are facing special crises which I hope we can solve together.

For agriculture I am offering two constitutional amendments for your consideration. I will testify that we should place one or both amendments on the ballot. I will testify that they will give us the basis by which we can attempt to continue a fair property tax system. I will present to you and all Nebraskans evidence that this constitutional change is needed. I intend to argue that it is not a tax break for agriculture; it is based on the recognition that land used for the production of food is special and unique. I intend to present evidence that Nebraskans who are angry about high property taxes should not lash out at the farmers and ranchers of this state. I will present evidence that this action is fair, reasonable, and in the best interest of all taxpayers.

The second problem that demands our immediate attention is the troubled condition of some of our financial institutions. The confidence of our people has been shaken by the failure of Commonwealth and the discovery that the NDIG did not come close to covering the loss of these depositors. The recent declaration by State Security Savings that they would seek refuge in Chapter Eleven Bankruptcy has added to our woes.

Even before Commonwealth's collapse, however, some of this state's financial institutions have been struggling under these heavy burdens. First, there was federal deregulation which has made it more difficult to compete. Second, interest rates have fluctuated up to unheard of levels, straining the reserves of lenders who did not anticipate the end of fixed rate mortgages. Finally, the value of farm and ranch land has plummeted placing formerly solvent borrowers into sudden and cruel insolvency.

This Legislature has in the past risen to the challenge of these

changes. You passed the emergency banking powers act and the multibank holding law in 1983.

Without these actions, many of the mergers and acquisitions we have seen in the last eighteen months would not have taken place. Instead of healthy, operating entities, we would have seen boarded up shells. Your actions have prevented these disasters by enabling us to find in-state buyers quickly.

Now I am again asking you to pass legislation to help our financial community. Again there are institutions which will close their doors unless we find buyers for them. Again I am asking you to anticipate the change by passing this legislation.

Before today we have met to discuss these and other problems which might require us to meet in this Special Session. At all times you have demonstrated a willingness to face this issue squarely and directly. I urge you to continue to do so. Both of these issues are controversial and will tend to ignite raw emotion. My hope is that through it all we will resist the temptation to split into urban versus rural interests, Nebraskan versus Nebraskan.

Thank you again for your commitment and good luck in your deliberations.

The Committee escorted the Governor from the Chamber.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 2, of the Constitution of Nebraska, relating to revenue; to authorize the Legislature to exempt from taxation a portion of the value of agricultural and horticultural land by classification of owners; to provide for the time and manner of submission and form of ballot; to provide the effective date thereof; and to declare an emergency.

LEGISLATIVE BILL 2. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 1, of the Constitution of Nebraska, relating to revenue; to authorize the Legislature to create a separate class for taxation of agricultural and horticultural land; to provide for the time and manner of submission and form of ballot; to provide the effective date thereof; and to declare an emergency.

LEGISLATIVE BILL 3. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-1506 and 8-1507, Reissue Revised Statutes of Nebraska, 1943, and section 8-903, Revised Statutes Supplement, 1984; to define terms; to provide procedures for acquisition of certain failing or failed financial institutions by certain domestic and foreign institutions and companies; to repeal the original sections; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 1CA.

Introduced by DeCamp, 40th District; Haberman, 44th District; Chronister, 18th District; and Pappas, 42nd District.

A Resolution to propose an amendment to Article VIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. ~~Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the~~ The Legislature may provide for a different method of taxing motor vehicles and may also for taxation purposes establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, semi-trailers semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the

determination of the value of real or other tangible property at uniform and proportionate values. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to remove the uniformity requirement on property tax provisions.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

MOTION - Suspend Rules

Mrs. Labeledz moved to suspend the rules, Rule 3, Section 13 and insert the following provision for this, the First Special Session of 1984:

All proposed constitutional amendments shall be referred to the Constitutional Revision and Recreation Committee for Public Hearing at 1:30 p.m., Thursday, August 16, in Room 1520 with continuation of said hearing on Monday August 27, 1984 in Room 1520 at 9:30 a.m.

The motion prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS Constitutional Revision and Recreation

LB 1	Thursday, August 16, 1984	1:30 p.m.
LB 2	Thursday, August 16, 1984	1:30 p.m.
LR 1	Thursday, August 16, 1984	1:30 p.m.
LB 1	Monday, August 27, 1984	9:30 a.m.

FIRST DAY - AUGUST 16, 1984

21

LB 2 Monday, August 27, 1984 9:30 a.m.

LR 1 Monday, August 27, 1984 9:30 a.m.

(Signed) Bernice Labeledz, Chairperson

Appropriations

The Appropriations Committee will meet briefly after adjournment Thursday, August 16, 1984.

(Signed) Jerome Warner, Chairperson

VISITORS

Visitors to the Chamber were Mohamed Al Rifai from Kwait City Council.

ADJOURNMENT

At 11:01 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Friday, August 17, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - AUGUST 17, 1984

LEGISLATIVE JOURNAL

SECOND DAY - AUGUST 17, 1984

LEGISLATIVE JOURNAL

**EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION**

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, August 17, 1984

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland and Lundy who were excused; and Messrs. Chambers, Hannibal, Newell, Vickers, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

MESSAGES FROM THE GOVERNOR

August 13, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Commission of Industrial Relations, requiring legislative confirmation:

Appointee: J. Brad Ashford, 200 Jackson Place, 13th and Jackson

SECOND DAY - AUGUST 17, 1984

23

Streets, Omaha, NE 68102, 345-5831(o) - Term: 8/7/84 to 6/9/87 -
Succeeds: Harvey D. Davis.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,
ROBERT KERREY
Governor

MESSAGE FROM THE SECRETARY OF STATE

August 16, 1984

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I
have made the following appointment requiring legislative
confirmation:

Appointee: Gary L. Tesar, North Platte, NE, 69101, Member of the
Nebraska Accountability and Disclosure Commission, for the
unexpired portion of a six year term ending June 30, 1985.

This appointment was made by me, pursuant to the provisions of
Section 49-14,105 and 49-14,112.

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,
ALLEN J. BEERMANN
Secretary of State

cc: Gary L. Tesar
Accountability and Disclosure Commission
Senator Elroy M. Hefner

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached
report on the referral of Legislative Bill 3 to General File with public
hearing to be conducted by the Banking, Commerce and Insurance
Committee; and reference of Gubernatorial Appointments, Report No.
1, for the approval of the Nebraska State Legislature.

LB Committee

- 3 General File w/ Public Hearing by
Banking, Commerce & Insurance

Education

Randy Bruns - Board of Educational Lands and Funds

Constitutional Revision and Recreation

Richard Coyne - Game and Parks Commission

Public Works

Richard Noring

Motor Vehicle Industry Licensing Board

Public Health and Welfare

John Ramold - Commission for the Hearing Impaired

Government, Military and Veterans Affairs

Timothy J. Doyle - State Personnel Board

Miscellaneous Subjects

Ronald R. Volkmer

Accountability and Disclosure Commission

(Signed) Vard Johnson, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS

Education

Governor's appointments - Tuesday, August 28, 1984

1:00 p.m.

Board of Educational Lands and Funds

Randy Bruns

Safety Center Advisory Council

Robert Gunderson

Judge Janice Walker

Carol Cope

Marvin Renner

Dr. Kenneth Kimball

Gary Lund

Fred Zwonechek

Beth Klosterman

Robert Ferguson

(Signed) Tom Vickers, Chairperson

Public Works

Governor's appointments - Monday, August 27, 1984

8:45 a.m.

Richard L. Noring - Motor Vehicle Licensing Board

(Signed) Loran Schmit, Chairperson

POINT OF ORDER ON LB 3

Mr. DeCamp raised a point of order pursuant to Rule 6, Section 2(b), that LB 3 be referred to committee.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Chair sustained the point and ordered LB 3 be sent to the Reference Committee.

Mr. Fenger asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. DeCamp requested a record vote on the Chambers motion to challenge the Chair.

Voting in the affirmative, 12:

Beutler	Harris	Landis	Morehead	Scofield
Chambers	Johnson, V.	Marsh	Newell	Vickers
				Wagner
				Warner

Voting in the negative, 32:

Abboud	DeCamp	Hefner	Labeledz	Pirsch
Barrett	Eret	Higgins	Lamb	Remmers
Beyer	Goll	Jacobson	McDonald	Rupp
Carsten	Goodrich	Johnson, L.	Pappas	Schmit
Chronister	Haberman	Johnson, R.	Peterson, H.	Sieck
Clark	Hall	Kahle	Peterson, R.	Von Minden
				Wesely
				Withem

Present and not voting, 1:

Nichol

Excused and not voting, 4:

Fenger	Hannibal	Hoagland	Lundy
--------	----------	----------	-------

The Chambers motion to overrule the Chair lost with 12 ayes, 32 nays, 1 present and not voting, and 4 excused and not voting.

**NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation**

Governor's appointment - Monday, August 27, 1984 9:30 a.m.
Richard L. Coyne - Game & Parks Commission

(Signed) Bernice Labedz, Chairperson

MOTION - Rerefer Bills

Mr. Warner moved that LB 1, LB 2, and LR 1 be rereferred to General File to be held there till the report of the Constitutional Revision and Recreation Committee to be filed August 27, 1984.

Mr. DeCamp raised a point of order that the bills could not be placed on General File from Committee because of Rule 3, Section 19.

The Chair ruled the Warner motion out of order.

EASE

The Legislature was at ease from 11:04 a.m. until 11:32 a.m.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the re-referral of Legislative Bill 3 to the Banking, Commerce and Insurance Committee; and the reference of Gubernatorial Appointments, Report No. 2, for the approval of the Nebraska State Legislature.

LB Committee

3 Banking, Commerce and Insurance

Business and Labor

J. Brad Ashford - Commission of Industrial Relations

Miscellaneous Subjects

Gary J. Tesar - NE Accountability and Disclosure Commission

(Signed) Vard Johnson, Chairperson
Legislative Council
Executive Board

**NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance**

LB 3 Monday, August 27, 1984, Room 1517

12:00 noon

(Signed) John DeCamp, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused. No objections.
So ordered.

MOTION - Rerefer LB 3

Mr. Chambers moved to rerefer LB 3 from the Banking Committee to the Commonwealth Committee.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman requested a record vote on the Chambers motion to rerefer LB 3.

Voting in the affirmative, 9:

Chambers	Harris	Marsh	Vickers	Wesely
Eret	Landis	Newell	Warner	

Voting in the negative, 33:

Abboud	Goodrich	Johnson, R.	Nichol	Schmit
Barrett	Haberman	Johnson, V.	Pappas	Scofield
Beyer	Hall	Kahle	Peterson, H.	Von Minden
Carsten	Hefner	Labeledz	Peterson, R.	Wagner
Chronister	Higgins	Lamb	Pirsch	Withem
Clark	Jacobson	McDonald	Remmers	
DeCamp	Johnson, L.	Morehead	Rupp	

Present and not voting, 1:

Sieck

Excused and not voting, 6:

Beutler	Fenger	Goll	Hannibal	Hoagland
				Lundy

The Chambers motion lost with 9 ayes, 33 nays, 1 present and not voting, and 6 excused and not voting.

LEGISLATIVE JOURNAL

**NOTICE OF COMMITTEE HEARING
Business and Labor**

Governor's appointment - Monday, August 27, 1984
J. Brad Ashford, Commission of Industrial Relations

3:00 p.m.

(Signed) William E. Barrett, Chairperson

ADJOURNMENT

At 11:53 a.m., on a motion by Mrs. Pirsch, the Legislature adjourned
until 3:30 p.m., Monday, August 27, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - AUGUST 27, 1984
LEGISLATIVE JOURNAL
EIGHTY-EIGHTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, August 27, 1984

Pursuant to adjournment, the Legislature met at 3:40 p.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler and Hoagland who were excused; and Messrs. Fenger, V. Johnson, and Von Minden who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Governor's Appointment Tuesday, August 28, 1984 noon recess
Timothy Doyle - State Personnel Board

(Signed) David Landis, Chairperson

Miscellaneous Subjects

Governor's Appointments Thursday, August 30, 1984 1:15 p.m.
Ronald R. Volkmer - Political Accountability and Disclosure Commission
Gary L. Tesar - Political Accountability and Disclosure Commission

(Signed) Elroy M. Hefner, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 223

August 9, 1984

Dear Senator DeCamp:

This letter is in response to your earlier correspondence in which you requested our opinion as to whether certain practices of the Nebraska Racing Commission (Commission) and the Thoroughbred Racing Association violate the antitrust laws. From subsequent conversations with members of your staff, we understand that you are contemplating legislation concerning those practices. Our conclusions regarding your questions are set forth below.

The Commission has established several rules of racing which appear to be designed to aid in the identification of horses racing in Nebraska. For example, Rule 9(14) of the Commission's rules provides that no horse shall be allowed to enter any race unless that horse is duly registered and named with the registry office of the Jockey Club of New York, and unless the certification of registration, properly endorsed to the owner, is on file with the racing secretary. Rule 9(15) provides that if a horse's name is changed, its new name shall be registered with the Jockey Club, and that horse shall not be allowed to race until such time as the new certificate of registration has been issued. The Jockey Club of New York is a private association which maintains a registry office and which registers thoroughbred horses throughout the United States.

In addition to registration through the Jockey Club, Rule 13(2) (b) of the Commission's rules provides that no horse shall be allowed to race in Nebraska unless it has been lip tattooed. Lip tattoos are placed on horses by the Thoroughbred Racing Association (TRA), a private association composed of member tracks throughout the United States. TRA charges \$20.00 to tattoo a horse if that tattoo is performed at a member track, and \$40.00 to tattoo a horse if the tattoo is performed elsewhere. In Nebraska, Aksarben (Omaha) and Fonner Park (Grand Island) are members of TRA. Atokad (South Sioux City) and Columbus are not. The Jockey Club recognizes only tattoos which are placed on a horse by TRA, although it is possible to register a horse with the registry office of the Jockey Club if that horse has no TRA tattoo.

You first ask, does a practice whereby the Commission requires identification tattooing of horses to be performed only by TRA constitute a violation of the Nebraska antitrust laws?

At the outset, we would note that the Commission's rules, as presently drafted, do not appear to require that identification tattooing be done only by TRA. The rules do require that a horse be registered with the Jockey Club, and that a horse be tattooed prior to that horse's qualification for entry in a race. However, the Commission's rules do not state that TRA must be the tattooing agency, and, as we understand it, the Jockey Club will register horses

without a TRA tattoo. Therefore, under the present rules, it would seem that a horse owner could tattoo the horse himself, have the horse registered with the Jockey Club, and still be in compliance with the Commission's rules for entry in races. As a practical matter, we understand that Commission officials would not recognize an identification tattoo other than a tattoo placed on the horse by TRA.

Assuming that the Commission does require that all identification tattooing be performed by TRA, that arrangement would most likely be suspect as an exclusive dealing arrangement prohibited by Neb.Rev.Stat. §59-1605 (Reissue 1978). Section 59-1605 prohibits certain contracts for sale or sales made upon the condition that the purchaser not use the goods of the seller's competitors. Section 59-1605 parallels Section 3 of the federal Clayton Act, 15 U.S.C. §14, although the state statute is somewhat broader since it applies to services as well as to the sale of goods and other commodities. Under the apparent facts of the present situation, the Commission requirement involving tattoos by TRA does not appear to be an impermissible exclusive dealing arrangement.

For the Commission's specification of only TRA tattoos to be actionable under the express language of §59-1605, there must either be some form of contract or agreement in force between TRA and the Commission that requires the Commission to use only TRA tattoos, or some such condition of sale imposed by TRA. Our inquiry indicates that there is no such contract or agreement between the Commission and TRA. Moreover, TRA does not condition the sale of its tattoos upon a requirement that the purchaser shall not purchase tattoos from any other provider of that service. The fact that TRA is an exclusive provider of the tattoo service is a requirement of the Commission rather than a requirement of TRA. Therefore, the situation involving the use of TRA as an exclusive tattooing agency does not appear to violate §59-1605.

It is also possible that the present situation could be characterized as a combination or conspiracy in restraint of trade or commerce in violation of Neb.Rev.Stat. §59-1603 (Reissue 1978), or a combination or conspiracy to monopolize trade or commerce in violation of Neb.Rev.Stat. §59-1604 (Reissue 1978). Those particular Nebraska statutes parallel portions of the federal Sherman Antitrust Act; specifically, 15 U.S.C. §1 and 15 U.S.C. §2. To prevail under the conspiracy portions of either of those Nebraska statutes, a plaintiff must establish some form of contract, agreement or conspiracy. Contractor Utility Sales Company v. Certain-Teed Products Corporation, 638 F.2d 1061 (7th Cir. 1981); Borough of Ellwood City, Pa. v. Pennsylvania Power Co., 570 F.Supp. 553 (D.C.Pa 1983). {Federal case law construing the federal antitrust statutes applies equally to similar Nebraska antitrust statutes under authority of Neb.Rev.Stat. §59-829 (Reissue 1978)}. We are unaware of any evidence which would indicate that there is any form of agreement or conspiracy between the Commission and TRA either to restrain trade or to monopolize trade in Nebraska. The Commission's decision to utilize TRA as an exclusive provider of the tattoo identification

service appears to be a unilateral action which is not proscribed by §59-1603 or by the conspiracy portion of §59-1604.

Finally, it might be remotely possible to characterize the exclusive tattooing arrangement as an improper "tying arrangement" in violation of Neb.Rev.Stat. §59-1603 (Reissue 1978) and Neb.Rev.Stat. §59-1605 (Reissue 1978). A tying arrangement is an agreement whereby a party sells one product (the tying product) but only on the condition that the buyer also purchase a different product (the tied product). Northern Pacific Railway v. United States, 356 U.S. 1 (1958). In the present situation, the right to race horses in Nebraska could be considered the tying product which is tied to the purchase of an identifying tattoo from TRA. However, the Commission does not sell the right to race in Nebraska, and there is no market or trade in that right. More importantly, some circuits have held that there can be no illegal tying arrangement where the company selling the tying product has no interest in the sales of the tied product of another company. Keener v. Sizzler Family Steak Houses, 597 F.2d 453 (5th Cir. 1979). In the present situation, the Commission has no interest in the sales of identifying tattoos by TRA.

On the basis of our analysis stated above, we therefore conclude that the Commission's requirement that TRA serve as the exclusive provider of identification tattooing does not violate our state antitrust laws. You next ask whether a practice whereby TRA charges a lesser fee to tattoo horses at its member tracks than at nonmember tracks violates the antitrust laws. Again, we have concluded that this latter practice probably can withstand antitrust challenge.

The different tattooing fees charged by TRA for tattooing services performed at its member and nonmember tracks are most open to antitrust challenge as a form of tying arrangement. In this instance, the tying product is the \$20.00 reduced fee for tattooing services. Since the availability of that reduced fee appears conditioned upon membership in TRA, the tied product is membership in TRA. However, several circuit courts have indicated that a tying arrangement is unlawful only if the tying arrangement has an anticompetitive effect on the market for the tied product. See, e.g. Yentsch v. Texaco, Inc., 630 F.2d 46 (2nd Cir. 1980). In the present case, the market for the tied product is the market for membership in thoroughbred racing associations. We understand that there are no thoroughbred racing associations in competition with TRA. Therefore, since there is no market for the sale of the tied product, there can be no anticompetitive effect upon that market, and no unlawful tying arrangement. Boddicker v. Arizona State Dental Association, 680 F.2d 66 (9th Cir. 1982).

In addition to a possible tying arrangement, the differentiation in fees described in your letter could involve some form of questionable price discrimination. The applicable federal statute dealing with price discrimination is the Robinson-Patman Act, 15 U.S.C. §13. The provisions of the Robinson-Patman Act are expressly limited to the sale of commodities. In a similar fashion, the provisions of Nebraska law pertaining to local price discrimination, Neb.Rev.Stat. §§59-501

et seq. (Reissue 1978), also apply only to price discrimination in the sale of commodities. The present situation involves the sale of a service, identification lip tattooing for horses. Therefore, neither the federal nor the state price discrimination statutes would apply to the fact situation which you have presented.

In sum, it is our view that the Nebraska Racing Commission may require that lip tattooing be performed only by TRA without violation of our antitrust laws. It is also our view that TRA may charge different tattooing fees to member and nonmember tracks without violating our laws pertaining to restraint of trade.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
Dale A. Comer
Assistant Attorney General

(Signed)

DAC:pjs

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 226
August 21, 1984

Dear Senator Warner:

In your letter of August 17, 1984, you asked, first, whether Legislative Resolution 1, introduced at this year's special session, is within the Governor's call. We conclude that it is not.

The Governor's call called the Legislature into session for the purpose of considering four subjects. Two of these subjects deal with the taking possession of insolvent financial institutions by the Department of Banking and Finance and the acquisition of such institutions in the possession of the department by non-domestic financial institutions. LR 1 clearly has nothing to do with those two subjects, so we will look at the other two, to see if LR 1 is covered by them.

The first two subjects listed in the call are:

1. Proposals to submit to the electorate amendments to Article VIII, Section 1, of the Constitution of the State of Nebraska to authorize the Legislature to classify, for purposes of ad valorem taxation, land used solely for agricultural or horticultural purposes.

2. Proposals to submit to the electorate amendments to Article VIII, Section 2, of the Constitution of the State of Nebraska to authorize the Legislature to exempt in whole or in part, for purposes of ad valorem taxation, land used solely for agricultural or horticultural purposes.

Article IV, Section 8, of the Nebraska Constitution provides:

The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which

they are convened, and the Legislature shall enter upon no business except that for which they were called together.

The last portion of this section is, of course, an express limitation upon the power of the Legislature to act at a special session. In Arrow Club, Inc. v. Nebraska Liquor Control Commission, 177 Neb. 686, 131 N.W.2d 134 (1964), the court said:

It is well established that the Legislature while in special session can transact no business except that for which it was called together. Chicago, B. & Q. R.R. Co. v. Wolfe, 61 Neb. 502, 86 N.W. 441. The proclamation may state the purpose for which the Legislature is convened in broad, general terms or it may limit the consideration to a specified phase of a general subject. The Legislature is free to determine in what manner the purpose shall be accomplished, but it must confine itself to the matters submitted to it by the proclamation.

In State ex rel. Douglas v. State Board of Equalization & Assessment, 205 Neb. 130, 286 N.W.2d 729 (1979), a constitutional amendment which was submitted pursuant to a resolution adopted at a special session was attacked as being in violation of the Federal Constitution, and also on the ground that the adoption of the resolution was not within the call.

The court disposed of the case by finding the constitutional amendment to be in violation of the Federal Constitution, and did not reach the question of the validity of its submission. However, the author of the opinion, Judge Brodkey, also wrote a concurring opinion, saying that he thought the court should have considered the question of whether the adoption of the resolution was within the call, and expressed the opinion that it was not. While this opinion lacks the authority of an express holding by a majority of the court, we believe it has some weight, particularly since no member of the court wrote an opinion disagreeing with it. Judge Brodkey quoted from Arrow Club, Inc., *supra*, to the effect that the Legislature must confine itself to the matters submitted to it by the Governor's proclamation, and rejected the argument which had been made by respondents that the Legislature could propose constitutional amendments at all sessions, regular or special, and was not limited in such proposals by Article IV, Section 8.

LR 1 does not deal specifically with the taxation of agricultural or horticultural land, or the exemption thereof, but, instead, would submit a proposal to repeal the uniformity provisions of Article VIII, Section 1, of the Constitution. It also alters the language of that section dealing with the taxation of motor vehicles, and may, perhaps inadvertently, provide for the elimination of the separate taxation of motor vehicles, and leave only motor vehicles owned and held for resale by motor vehicle dealers, and trucks operating in interstate commerce as separate classes of motor vehicles.

The call clearly limited the constitutional amendments to be proposed to those dealing with the taxation or exemption of agricultural or horticultural land. LR 1 goes far beyond that limitation, and is not, in our opinion, authorized business under

Article IV, Section 8.

You also ask whether, if the Legislature nevertheless adopts LR 1, the Secretary of State is required to put it on the ballot, and if he does, whether it could be challenged either before or after the election as being beyond the call.

The question of whether the Secretary of State must put it on the ballot is essentially a question of what would happen should he refuse to do so. A mandamus action might be brought to compel him to put it on. He could raise a defense that the resolution went beyond the call. If the court agreed, the mandamus action would be dismissed; if the court disagreed, he would be compelled to put it on.

We are somewhat uncertain as to the sanctions the Secretary of State might be subject to, were he to refuse to put the issue on the ballot, and no mandamus action were brought to require him to do so. We do not believe he would be subject to removal by quo warranto pursuant to Neb.Rev.Stat. §25-21,147 (Reissue 1979), because in Fitzgerald v. Kuppinger, 163 Neb. 286, 79 N.W.2d 547 (1956), the court said that it was not within the power of the Legislature to provide for the removal or suspension of the holder of a constitutional office. It is true that the court was relying primarily on Article III, Section 23 of the Constitution, which has since been repealed, but it also relied on Article IV, Section 5, and we believe the rule is still applicable.

Our opinion that LR 1 was not within the call would not protect the Secretary of State from whatever sanctions against him are available, were the court to disagree. We therefore assume that if the resolution is adopted, the Secretary of State will put it on the ballot, unless restrained by a court order.

Certainly, an injunction action could be brought before the election to restrain the Secretary of State from putting the issue on the ballot. Furthermore, a declaratory judgment action could be brought after the election, if the amendment passed, to declare it invalid as having been improperly submitted. See, Arrow Club, Inc., supra, and Judge Brodkey's concurring opinion in State ex rel. Douglas v. State Board of Equalization & Assessment, supra.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
Ralph H. Gillan
Assistant Attorney General

(Signed)

RHG:ejg

cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS Public Works

The Committee on Public Works desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Richard L. Noring, c/o Corvette Nebraska Inc., Madison, Nebraska,
to the Motor Vehicle Industry Licensing Board.

Voting aye: Senators Schmit, Lamb, DeCamp, Beyer, Withem, and
Harris. Absent: Senators Clark and Hoagland.

(Signed) Loran Schmit, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE BILL 2. Placed on General File as amended.
Standing Committee amendments to LB 2:
AM011S

- 1 1. On page 1, line 7, after the semicolon
- 2 insert "and"; and strike beginning with the semicolon in
- 3 line 8 through "emergency" in line 9.
- 4 2. Strike section 4.

LEGISLATIVE RESOLUTION 1CA. Indefinitely postponed.

The Committee on Constitutional Revision and Recreation desires to
report favorably upon the appointment listed below. The Committee
suggests the appointment be confirmed by the Legislature and
suggests a record vote.

Richard Coyne - Game and Parks Commission

Vote: For: Labedz, Abboud, Carsten, Jacobson, Rupp, and Wesely.
Against: None. Absent: Sieck.

(Signed) Bernice Labedz, Chairperson

ADJOURNMENT

At 3:48 p.m., on a motion by Mr. Hall, the Legislature adjourned until
9:00 a.m., Tuesday, August 28, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - AUGUST 28, 1984**LEGISLATIVE JOURNAL****EIGHTY-EIGHTH LEGISLATURE
FIRST SPECIAL SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, August 28, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Beyer, Goodrich, Harris, V. Johnson, Remmers, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 227
August 24, 1984

Dear Senator Newell:

We have received your letter of August 15, 1984, requesting an opinion from this office regarding the constitutionality of the inclusion of land in the statutes providing for the homestead exemption.

Article VIII, Section 2 of the Nebraska Constitution provides, in pertinent part:

The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be

exempt from taxation. (Emphasis added).

The statutory provisions enacted by the Legislature pursuant to this constitutional authority are contained in Neb.Rev.Stat. §§77-3501 to 77-3529 (Reissue 1981 and Supp. 1983). The definition of homestead in §77-3502 provides, in part:

Homestead shall mean either (1) a residence or mobile home, and the land surrounding it, not exceeding one acre, in this state actually occupied as such by a natural person who is the owner of record thereof as of January 1 in each year, (Emphasis added).

Your initial question concerns whether the inclusion of up to one acre of the land surrounding a residence in the definition of homestead in §77-3502 exceeds the authority granted the Legislature under Article VIII, Section 2 of the Nebraska Constitution, which allows the Legislature to enact legislation to exempt from taxation a portion of the value of "any residence actually occupied as a homestead."

Generally, the word "residence," like the word "homestead," is not interpreted to refer to a dwelling or house alone; rather, it is construed to include all appurtenances, as well as the land surrounding the house which is utilized for a residential purpose. Kerns v. Warden, 88 Okla. 297, 213 P. 70 (1923). Ballantine's Law Dictionary, 564 (3d Ed. 1969) defines "homestead" as follows:

In a popular sense, the place of the home--the residence of the family; it represents the dwelling house in which the family resides, with the usual and customary appurtenances, including the outbuildings of every kind necessary or convenient for family use, and the lands used for the purposes thereof. (Emphasis added).

Similarly, Black's Law Dictionary, 660 (5th Ed. 1979) defines "homestead," in part, as "the fixed residence of the head of a family, with the land and buildings surrounding the main house."

As was noted Article VIII, Section 2 grants the Legislature authority to enact legislation to exempt from taxation a portion of the value of "any residence actually occupied as a homestead." Based on the above-cited interpretations and definitions of the terms "residence" and "homestead," we believe that Article VIII, Section 2 provides the Legislature with the authority to include land within the definition of homestead, provided the use of such land is limited to a residential purpose. It is therefore our opinion that the Legislature has not exceeded the Constitutional grant of authority in Article VIII, Section 2 by including up to one acre of land surrounding a residence in the definition of homestead in §77-3502.

Having reached the conclusion that land can be included within the definition of homestead enacted by the Legislature pursuant to the authority granted by Article VIII, Section 2, we address your next question, which concerns the extent to which the Legislature could increase the quantity of land under the exemption beyond the present limitation of one acre.

The language of Article VIII, Section 2 clearly expresses an intent to limit the exemption available to any residence occupied as a

homestead. While the Legislature could conceivably increase the amount of land to be included within the definition of homestead, the land in question would have to be utilized strictly for a residential purpose in order to conform to the requirements of the constitutional provision. In our opinion, the authority granted under Article VIII, Section 2 clearly allows the Legislature to include within the homestead exemption only surrounding land which is residential in character.

Your final question concerns whether the Legislature could amend §77-3502 by eliminating the one acre limitation and providing for the inclusion of agricultural land within the definition of homestead. As we noted previously, Article VIII, Section 2 clearly limits the Legislature's power to enact legislation exempting from taxation a portion of the value of residences utilized as homesteads. Only land which is residential in nature can be included within the definition of a homestead. Agricultural land, or any other income-producing land or property of a commercial nature, would not fall within the classification of land used for a residential purpose. It is therefore our opinion that Article VIII, Section 2 would prohibit the Legislature from expanding the definition of homestead in §77-3502 to include agricultural land.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
L. Jay Bartel
Assistant Attorney General

(Signed)

LJB/bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORT Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

J. Brad Ashford - Judge, Commission of Industrial Relations

Vote For: Senators Barrett, Eret, Goll, McDonald, R. Peterson, and Wesely. Against: None. Absent: Senator Labeledz.

(Signed) William E. Barrett, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the

Legislature, the attached is a list of all Lobbyists who have registered as of April 27, 1984. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ayres, Joseph W. - Lincoln, Nebraska Society for Respiratory Therapy
Boham, Ruth A. - Lincoln, (Withdrawn 4/12/84), Associated Students of the University of Nebraska
Brown, Ronald L. - Lincoln, (Withdrawn 5/31/83), Nebraska County Attorneys Association
Chizek, G. E. - Omaha, (Withdrawn 6/18/84), Northwestern Bell Telephone Company
Davis, Jeanene C. - Lincoln, Nebraska Realtors Association
Ellsworth, Jane P. - Omaha, (Withdrawn 6/5/84), Junior League of Omaha
Enewold, Richard H. - Topeka, KS, AT&T Company
Epke, Walter H. - York, (Withdrawn 6/30/83), Nebraska Livestock Markets Association
Gaches, Ronald N. - Topeka, KS, United Telephone of the West
Hancock, Ann M. - Omaha, (Withdrawn 5/1/84), The Junior Leagues of Nebraska
Jensen, Martin - Omaha, (Withdrawn 6/1/84), Brotherhood of Railway & Airline Clerks (BRAC)
Knudsen, Berkheimer, Richardson & Endacott:
Ruth, Larry L. - Lincoln, Bellwood Cooperative Credit Association, (Withdrawn 4/19/84)
Kuhn, Donna R. - Lincoln, Brotherhood of Railway & Airline Clerks (BRAC)
Kunz, David N. - Lincoln, (Withdrawn 5/25/83), Noren, Charles F.
Lombardi, Richard A. - Lincoln, (Withdrawn 5/1/84), Nebraska Association of Area Agencies of Aging; Nebraska Association of Public Employees; Nebraska Cable Communications Association; Nebraska Dental Assistants Association; Nebraska State Student Association
MacLean, James F. - Lincoln, (Withdrawn 4/15/84), Bankers Life Insurance Company of Nebraska
Madsen, Teresa I. - Omaha, (Withdrawn 7/31/83), Sierra Club, Nebraska Chapter
Nowka, Trent P. - Lincoln, Nebraska Farm Bureau Federation
Partsch, Laura J. - Lincoln, (Withdrawn 8/31/84), Nebraska Dental Association
Quick, Arlis - Lincoln, (Withdrawn 5/31/83), Junior League of Lincoln
Rasmussen, Dennis - Lincoln, International Game Technology, (Withdrawn 5/1/84); Nebraska School Improvement Association, (Withdrawn 5/1/84)
Schultz, Ted E. - Lincoln, (Withdrawn 5/31/83), Nebraska Health Care Association
Smith, James D., D.C. - So. Sioux City, (Withdrawn 5/25/83), Nebraska

Chiropractic Physicians Association
 Sundberg, Kristine - Minneapolis, MN, Minnegasco, Inc.
 Tews & Radcliffe:

Radcliffe, Walter H. - Lincoln, Retail Merchants Association of
 Nebraska, (Withdrawn 4/18/84); Scientific Games, Inc.,
 (Withdrawn 6/29/84); State Security Savings Company; Video
 Consultants of Nebraska, Inc.

Triplett, Larry C. - Lincoln, (Withdrawn 5/11/84), Nebraska Realtors
 Association

Walsh, Virginia - Lincoln, (Withdrawn 12/31/83), Nebraska Coalition
 for Women

Whelan, Gerald T. - Hastings, (Withdrawn 4/17/84), ALCAN

Wilson, Stanley F. - Lincoln, (Withdrawn 1/1/84), Digital Products
 Corporation

Wishnick, Yale - Lincoln, (Withdrawn 7/31/83), Lincoln Education
 Association

STANDING COMMITTEE REPORT **Banking, Commerce and Insurance**

LEGISLATIVE BILL 3. Indefinitely postponed.

(Signed) John DeCamp, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns.
 No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 2. Title read. Considered.

Standing Committee amendments, AM011S, found in the Journal on
 page 36 for the Third Day was adopted with 27 ayes, 0 nays, 15 present
 and not voting, and 7 excused and not voting.

Mrs. Labeledz offered the following amendment:
 AM001S

- 1 1. On page 3, line 25, after "year." insert
- 2 " The Legislature may provide that residential property,
- 3 the use or enjoyment of which is detrimentally affected
- 4 by such property's proximity to environmental wastes,
- 5 odors, or other noxious byproducts emanating from
- 6 activities relating to agricultural or horticultural
- 7 uses, shall constitute a separate and distinct class of
- 8 property for purposes of taxation."
- 9 2. On page 4, line 7, after "land" insert
- 10 "and certain residential property".

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mrs. Labedz requested a record vote on her pending amendment.

Voting in the affirmative, 12:

Carsten	Eret	Haberman	Higgins	Pappas
Chambers	Goodrich	Hall	Labedz	Schmit
				Wesely
				Withem

Voting in the negative, 27:

Barrett	Harris	Lamb	Morehead	Rupp
Beutler	Jacobson	Landis	Nichol	Scofield
DeCamp	Johnson, L.	Lundy	Peterson, H.	Sieck
Goll	Johnson, R.	Marsh	Peterson, R.	Vickers
Hannibal	Kahle	McDonald	Remmers	Von Minden
				Wagner
				Warner

Present and not voting, 7:

Abboud	Chronister	Clark	Fenger	Hefner
				Newell
				Pirsch

Excused and not voting, 3:

Beyer Hoagland Johnson, V.

The Labedz pending amendment lost with 12 ayes, 27 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Vickers offered the following amendment:

AM002S

- 1 1. On page 3, line 11, strike "taxation" and
- 2 insert "tax levies imposed in support of school
- 3 districts and other public educational entities".
- 4 2. On page 4, line 7, strike "taxation" and
- 5 insert "tax levies imposed in support of school
- 6 districts and other public educational entities".

MR. CLARK PRESIDING

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Beutler	Goodrich	Johnson, R.	Lundy	Rupp
DeCamp	Haberman	Labeledz	Marsh	Schmit
Eret	Harris	Landis	Pappas	Sieck
				Vickers
				Wesely

Voting in the negative, 29:

Abboud	Fenger	Jacobson	Newell	Scofield
Barrett	Goll	Johnson, L.	Nichol	Von Minden
Carsten	Hall	Kahle	Peterson, H.	Wagner
Chambers	Hannibal	Lamb	Peterson, R.	Warner
Chronister	Hefner	McDonald	Pirsch	Withem
Clark	Higgins	Morehead	Remmers	

Excused and not voting, 3:

Beyer	Hoagland	Johnson, V.
-------	----------	-------------

The Vickers amendment lost with 17 ayes, 29 nays, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Wesely moved to indefinitely postpone LB 2.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 7 nays, and 21 not voting.

Speaker Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Wesely requested a record vote on his motion to indefinitely postpone LB 2.

Voting in the affirmative, 13:

Chambers	Hannibal	Labeledz	Pappas	Withem
Goodrich	Harris	McDonald	Pirsch	
Hall	Higgins	Nichol	Wesely	

Voting in the negative, 27:

Barrett	Eret	Johnson, L.	Morehead	Rupp
Carsten	Goll	Kahle	Newell	Schmit
Chronister	Haberman	Lamb	Peterson, H.	Scofield
Clark	Hefner	Lundy	Peterson, R.	Sieck
DeCamp	Jacobson	Marsh	Remmers	Von Minden
				Wagner
				Warner

Present and not voting, 6:

Abboud	Beutler	Fenger	Johnson, R.	Landis
				Vickers

Excused and not voting, 3:

Beyer	Hoagland	Johnson, V.
-------	----------	-------------

The Wesely motion to indefinitely postpone lost with 13 ayes, 27 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Chambers asked unanimous consent to bracket LB 2 until August 30.

Mr. Newell objected.

Mr. Chambers moved that LB 2 be bracketed until August 30th.

The Chambers motion prevailed with 30 ayes, 6 nays, 10 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 2.

Introduced by L. Johnson, 15th District; Abboud, 12th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Eret, 32nd District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District; McDonald, 31st District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st

District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, E. Thome Johnson served the Nebraska Legislature with distinction from 1968 through 1976; and

WHEREAS, E. Thome Johnson worked for and represented the interests of the constituents of the Fifteenth Legislative District; and

WHEREAS, E. Thome Johnson contributed greatly to his community, his county, his state, and the Legislature through his varied interests; and

WHEREAS, E. Thome Johnson died on August 13, 1984.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE, FIRST SPECIAL SESSION:

1. That we commemorate the many accomplishments and the years of dedicated service by E. Thome Johnson.

2. That we extend our sympathy to his widow, Jean, and to his other family members.

3. That this Resolution be presented to Jean Johnson.

Mr. L. Johnson moved to suspend the rules, Rule 4, Section 6 to permit consideration of LR 2 today.

The motion to suspend the rules prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LR 2 was adopted with 40 ayes, 0 nays, and 9 not voting.

LEGISLATIVE RESOLUTION 3.

Introduced by Abboud, 12th District; Eret, 32nd District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hannibal, 4th District; Harris, 27th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Jacobson, 33rd District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Labeledz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Marsh, 29th District; McDonald, 31st District; Morehead, 30th District; Newell, 13th District; Nichol, 48th District; Pappas, 42nd District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, the games of the XXIII Olympiad have been a great source of interest and pride for all Americans; and

WHEREAS, the efforts of all the athletes on the United States

team were recognized and applauded; and

WHEREAS, the United States athletes from Nebraska and Nebraska schools were outstanding, in particular, Jim Hartung and Scott Johnson who won gold medals in gymnastics, Lisa Rohde who won a silver medal in sculling, and Julie Vollertsen who won a silver medal in volleyball.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature hereby congratulates Jim Hartung, Scott Johnson, Lisa Rohde, and Julie Vollertsen for their accomplishments during the recent Olympiad.

2. That a copy of this resolution be sent to each of the medalists by the Clerk of the Legislature.

Mr. Abboud moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 3 today.

The motion to suspend the rules prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Landis offered the following amendment to LR 3:

Amend LR 3 by naming and congratulating all Nebraska Olympians by name.

The Landis amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

LR 3 was adopted with 37 ayes, 0 nays, and 12 not voting.

LEGISLATIVE RESOLUTION 4.

Introduced by Schmit, 23rd District; Barrett, 39th District; Beyer, 3rd District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Haberman, 44th District; Hefner, 19th District; Jacobson, 33rd District; L. Johnson, 15th District; R. Johnson, 34th District; Kahle, 37th District; Lamb, 43rd District; Lundy, 36th District; Marsh, 29th District; Morehead, 30th District; Nichol, 48th District; Pappas, 42nd District; R. Peterson, 21st District; Remmers, 1st District; Rupp, 22nd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Wagner, 41st District; Warner, 25th District.

WHEREAS, agricultural land is a production asset, thus value should relate directly to what it can earn; and

WHEREAS, market-based assessments are influenced by factors which if relied upon would permeate the market place with unrealistic value if one realizes land is a production asset; and

WHEREAS, accelerated fluctuations in farm land, as experienced in Nebraska in the past few years, threaten to impose confiscating tax

burdens on our agricultural community; and

WHEREAS, nearly every state in the union has either implicitly or explicitly adopted property tax legislation providing for more equitable treatment of agricultural land; and

WHEREAS, utilization of an income capitalization approach comes closer to establishing accurate valuations of agricultural and horticultural lands; and

WHEREAS, the earning capacity of agricultural or horticultural land is probably the only common denominator in the analysis of rural sales; and

WHEREAS, there is ample justification for the utilization of different methods of valuations on logically distinguishable kinds of property without violating the uniformity and proportionality requirements of the Nebraska Constitution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature recognizes and declares that agricultural and horticultural land used for agricultural and horticultural purposes shall be valued, for purposes of taxation, based solely on the earning capacity of such land.

Laid over.

LEGISLATIVE RESOLUTION 5.

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article VIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, ~~semi-trailers~~ ~~semitrailers~~, truck-tractors, or combinations thereof, consisting of those owned by residents and

nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. The Legislature may provide that agricultural and horticultural land used for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.”

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment authorizing the Legislature to separately classify agricultural and horticultural land.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Mr. DeCamp moved to suspend the rules, Rule 4, Sections 2, 5, 6 and 8, Rule 3, Section 13 and Rule 6, Section 2 so as to allow the consideration of LR 5.

Messrs. Barrett, Chronister, R. Johnson, and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RECESS

At 12:02 p.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:29 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Beutler, Clark, V. Johnson, Warner, and Mrs. Pirsch who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 2.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Mr. Timothy Doyle - State Personnel Board

Vote: Aye: Senators Beutler, Goll, Landis, Scofield, Vickers; No: none. Excused and not voting: Senators Chambers, Higgins, and Rod Johnson.

(Signed) David Landis, Chairperson

Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Randy Bruns - Board of Educational Lands and Funds

Robert Gunderson - Safety Center Advisory Council
Judge Janice Walker - Safety Center Advisory Council
Carol Cope - Safety Center Advisory Council
Marvin Renner - Safety Center Advisory Council
Dr. Kenneth Kimball - Safety Center Advisory Council

Gary Lund - Safety Center Advisory Council
 Fred Zwonechek - Safety Center Advisory Council
 Beth Klosterman - Safety Center Advisory Council
 Robert Ferguson - Safety Center Advisory Council

Senator Harris moved to approve the appointment of Randy Bruns, seconded by Senator Goll. Voting aye: Senators Vickers, Goll, Harris, Scofield, Eret and Lamb. Voting no: none. Absent: Senators Hoagland and Newell.

Senator Harris moved to approve all appointments to Safety Center Advisory Council, seconded by Senator Goll. Voting aye: Senator Vickers, Goll, Harris, Scofield, Eret, and Lamb. Voting no: none. Absent: Senators Hoagland and Newell.

(Signed) Tom Vickers, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 5. Considered.

Mr. DeCamp renewed his pending motion to suspend the rules, Rule 4, Sections 2, 5, 6 and 8, Rule 3, Section 13 and Rule 6, Section 2 so as to allow the consideration of LR 5.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. DeCamp requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 29:

Abboud	Eret	Jacobson	Morehead	Rupp
Barrett	Fenger	Johnson, L.	Nichol	Schmit
Beyer	Goll	Johnson, R.	Pappas	Scofield
Chronister	Haberman	Kahle	Peterson, H.	Sieck
Clark	Hannibal	Lamb	Peterson, R.	Von Minden
DeCamp	Hefner	Lundy	Remmers	

Voting in the negative, 16:

Beutler	Goodrich	Higgins	Marsh	Vickers
Carsten	Hall	Labadz	McDonald	Wagner
Chambers	Harris	Landis	Newell	Wesely
				Withem

Excused and not voting, 4:

Hoagland	Johnson, V.	Pirsch	Warner
----------	-------------	--------	--------

The DeCamp motion to suspend the rules lost with 29 ayes, 16 nays, and 4 excused and not voting.

LR 5 was referred to the Executive Board.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 6.

Introduced by Barrett, 39th District; Chronister, 18th District; Clark, 47th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Haberman, 44th District; Hefner, 19th District; Jacobson, 33rd District; R. Johnson, 34th District; Kahle, 37th District; Lamb, 43rd District; Lundy, 36th District; Marsh, 29th District; Morehead, 30th District; Nichol, 48th District; Pappas, 42nd District; R. Peterson, 21st District; Remmers, 1st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District.

A Resolution to propose an amendment to Article VIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, ~~semi-trailers~~ semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property. The Legislature may enact laws to provide that the

value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. Agricultural and horticultural land used for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation. Such agricultural or horticultural land shall be valued on the basis of its earning capacity. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.”.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment to separately classify agricultural and horticultural land and to provide a basis for valuation.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Mr. Hefner moved to suspend the rules, Rule 4, Sections 2, 5, 6 and 8, Rule 3, Section 13 and Rule 6, Section 2 so as to allow the consideration of LR 6.

Mrs. Labedz requested a division of the question on the motion to suspend the rules to divide out Rule 6, Section 2 so as to consider it separately from the balance of the Hefner motion.

The Chair ruled the motion divisible.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, “Shall the

debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Hefner requested a roll call vote on his motion to suspend the rules, as divided.

Voting in the affirmative, 28:

Abboud	Eret	Johnson, R.	Pappas	Sieck
Barrett	Haberman	Kahle	Peterson, R.	Vickers
Beyer	Hall	Lamb	Remmers	Von Minden
Chronister	Hefner	Lundy	Rupp	Wagner
Clark	Jacobson	Morehead	Schmit	
DeCamp	Johnson, L.	Nichol	Scofield	

Voting in the negative, 19:

Beutler	Goodrich	Johnson, V.	McDonald	Warner
Carsten	Hannibal	Labeledz	Newell	Wesely
Chambers	Harris	Landis	Peterson, H.	Withem
Fenger	Higgins	Marsh	Pirsch	

Excused and not voting, 2:

Goll	Hoagland
------	----------

The Hefner motion, as divided, lost with 28 ayes, 19 nays, and 2 excused and not voting.

LR 6 was referred to the Executive Board.

The Chair declared the Call raised.

MOTION - Unbracket LB 2

Mr. Hefner moved to unbracket LB 2.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hefner motion to unbracket prevailed with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Mr. Fenger asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 2. Considered.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Hefner requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Barrett	Eret	Landis	Pappas	Sieck
Beutler	Haberman	Lundy	Peterson, H.	Vickers
Beyer	Hefner	Marsh	Peterson, R.	Von Minden
Carsten	Jacobson	McDonald	Remmers	Wagner
Chronister	Johnson, L.	Morehead	Rupp	Warner
Clark	Kahle	Newell	Schmit	
DeCamp	Lamb	Nichol	Scotfield	

Voting in the negative, 12:

Abboud	Goodrich	Hannibal	Higgins	Labedz
Chambers	Hall	Harris	Johnson, V.	Pirsch
				Wesely
				Withem

Excused and not voting, 4:

Fenger	Goll	Hoagland	Johnson, R.
--------	------	----------	-------------

Advanced to E & R for Review with 33 ayes, 12 nays, and 4 excused and not voting.

MOTION - Suspend Rules

Mr. Schmit moved to suspend the rules, Rule 4, Section 6 to permit consideration of LR 4 today.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Schmit motion to suspend the rules prevailed with 30 ayes, 12 nays, 5 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 2. Placed on Select File as amended.

E & R amendment to LB 2:

AM5001

- 1 1. On page 1, strike beginning with "create"
- 2 in line 4 through "land" in line 6 and insert

3 "separately classify agricultural and horticultural land
4 for purposes of taxation".

(Signed) Rod Johnson, Chairperson

MOTION - Place LB 3 on General File

Mr. Chambers moved that LB 3 be placed on General File, notwithstanding the action of the Committee.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 2 in the Journal. No objections. So ordered.

AM015S

1 1. On page 3, line 11, after the period
2 insert "If the Legislature provides that agricultural
3 and horticultural land shall constitute a separate and
4 distinct class of property the Legislature shall
5 annually reestablish such separate and distinct class.".

Mr. Landis asked unanimous consent to print the following amendment to LB 2 in the Journal. No objections. So ordered.

AM0017S

1 1. Strike original sections 1 through 4 and
2 insert new sections as follows:
3 "Section 1. That at the general election in
4 November 1984 there shall be submitted to the electors
5 of the State of Nebraska for approval the following
6 amendment to Article VIII, section 2, of the
7 Constitution of Nebraska, which is hereby proposed by
8 the Legislature:
9 'Sec. 2. The property of the state and its
10 governmental subdivisions shall be exempt from taxation.
11 The Legislature by general law may exempt property owned
12 by and used exclusively for agricultural and
13 horticultural societies, and property owned and used
14 exclusively for educational, religious, charitable, or
15 cemetery purposes, when such property is not owned or
16 used for financial gain or profit to either the owner or
17 user. Household goods and personal effects, as defined
18 by law, may be exempted from taxation in whole or in
19 part, as may be provided by general law, and the
20 Legislature may prescribe a formula for the
21 determination of value of household goods and personal
22 effects. The Legislature by general law may provide

23 that the increased value of land by reason of shade or
1 ornamental trees planted along the highway shall not be
2 taken into account in the assessment of such land. The
3 Legislature by general law and upon any terms,
4 conditions, and restrictions it prescribes, may provide
5 that the increased value of real property resulting from
6 improvements designed primarily for energy conservation
7 may be exempt from taxation. The value of a home
8 substantially contributed by the Veterans'
9 Administration of the United States for a paraplegic
10 veteran or multiple amputee shall be exempt from
11 taxation during the life of such veteran or until the
12 death of his widow or her remarriage. The Legislature
13 may exempt from an intangible property tax life
14 insurance and life insurance annuity contracts and any
15 payment connected therewith and any right to pension or
16 retirement payments. The Legislature may classify
17 personal property in such manner as it sees fit, and may
18 exempt any of such classes, or may exempt all personal
19 property from taxation. No property shall be exempt
20 from taxation except as provided in the Constitution.
21 The Legislature may by general law provide that a
22 portion of the value of any residence actually occupied
23 as a homestead by any classification of owners as
24 determined by the Legislature shall be exempt from
25 taxation. The Legislature may exempt from taxation a
26 portion of the value of land used for agricultural or
1 horticultural purposes by any classification of owners
2 as determined by the Legislature.'

3 Sec. 2. The proposed amendment shall be
4 submitted to the electors in the manner prescribed by
5 Article XVI, section 1, of the Constitution of Nebraska.
6 The proposition for the submission of the proposed
7 amendment shall be placed upon the ballot in the
8 following form:

9 'A constitutional amendment authorizing the
10 Legislature to exempt from taxation a portion
11 of the value of agricultural or horticultural
12 land by classification of owners.
13 For
14 Against'.

15 Sec. 3. That the proposed amendment, if
16 adopted, shall be in force and take effect immediately
17 upon the completion of the canvass of the votes, at
18 which time it shall be the duty of the Governor to
19 proclaim it as a part of the Constitution of Nebraska."

Messrs. Sieck and Hefner asked unanimous consent to print the following amendment to LB 2 in the Journal. No objections. So ordered.

AM0013S

- 1 1. On page 3, strike beginning with "The" in
- 2 line 7 through "agricultural" in line 8 and insert
- 3 "Agricultural"; and in line 11, after "taxation," insert
- 4 "Such agricultural or horticultural land shall be valued
- 5 on the basis of its earning capacity."
- 6 2. On page 4, strike beginning with
- 7 "authorizing" in line 5 through "Legislature" in line 6;
- 8 and in line 7 after "taxation" insert "and to provide a
- 9 basis for valuation".

MOTION - Adjournment

Mr. Landis moved to adjourn until 9:00 a.m. on August 29, 1984.

The motion lost with 5 ayes, 28 nays, 14 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 4. Considered.

Mr. Chambers offered the following amendment:

Amend "shall" to "should" in "Resolve" and strike "and" and insert "or" between the words "agricultural and horticultural".

The Chambers amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. L. Johnson requested a record vote on the adoption of LR 4.

Voting in the affirmative, 31:

Barrett	Eret	Johnson, R.	Nichol	Schmit
Beyer	Goll	Kahle	Pappas	Scofield
Carsten	Haberman	Lamb	Peterson, H.	Sieck
Chronister	Hefner	Lundy	Peterson, R.	Vickers
Clark	Jacobson	Marsh	Remmers	Von Minden
DeCamp	Johnson, L.	Morehead	Rupp	Wagner
				Warner

Voting in the negative, 16:

Abboud	Chambers	Hall	Harris	Johnson, V.
Beutler	Goodrich	Hannibal	Higgins	Labeledz

FIFTH DAY - AUGUST 29, 1984

LEGISLATIVE JOURNAL

**EIGHTY-EIGHTH LEGISLATURE
FIRST SPECIAL SESSION**

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, August 29, 1984

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hoagland who was excused; and Messrs. Beutler, R. Johnson, Newell, Von Minden, Warner, and Mesdames Morehead and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 22, line 4, strike "SECOND" and insert "FIRST SPECIAL".

Page 29, line 4, strike "SECOND" and insert "FIRST SPECIAL".

The Journals for the Second and Third Day were approved as corrected.

Page 58, line 8, strike "Harvard" and insert "Howard County."

The Journal for the Fourth Day was approved as corrected.

ANNOUNCEMENT

The Chair announced today is Senator Abboud's birthday.

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Public Works Committee for the following Governor appointment found in the Journal on page 36: Richard L. Noring - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 30:

Abboud	Goll	Jacobson	Lundy	Scofield
Carsten	Goodrich	Johnson, L.	McDonald	Vickers
Chronister	Hall	Johnson, R.	Nichol	Von Minden
Clark	Hannibal	Labedz	Pappas	Wagner
DeCamp	Hefner	Lamb	Peterson, H.	Wesely
Fenger	Higgins	Landis	Schmit	Withem

Voting in the negative, 0.

Present and not voting, 12:

Barrett	Chambers	Haberman	Johnson, V.	Marsh
Beyer	Eret	Harris	Kahle	Remmers
				Rupp
				Sieck

Excused and not voting, 7:

Beutler	Hoagland	Morehead	Newell	Peterson, R.
				Pirsch
				Warner

The appointment was confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mrs. Labedz moved the adoption of the report of the Constitutional Revision and Recreation Committee for the following Governor appointment found in the Journal on page 36: Richard Coyne - Game and Parks Commission.

Voting in the affirmative, 28:

Abboud	Fenger	Jacobson	Lundy	Scofield
Barrett	Goll	Johnson, L.	Marsh	Vickers
Carsten	Goodrich	Johnson, R.	McDonald	Von Minden
Chronister	Hall	Johnson, V.	Nichol	Wesely
Clark	Hannibal	Labedz	Pappas	
DeCamp	Higgins	Landis	Peterson, H.	

Voting in the negative, 0.

Present and not voting, 14:

Beyer	Haberman	Kahle	Rupp	Wagner
Chambers	Harris	Lamb	Schmit	Withem
Eret	Hefner	Remmers	Sieck	

Excused and not voting, 7:

Beutler	Hoagland	Morehead	Newell	Peterson, R. Pirsch Warner
---------	----------	----------	--------	----------------------------------

The appointment was confirmed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Barrett moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 39: J. Brad Ashford - Judge, Commission of Industrial Relations.

Voting in the affirmative, 36:

Abboud	Fenger	Higgins	Landis	Rupp
Barrett	Goodrich	Jacobson	Lundy	Schmit
Beyer	Haberman	Johnson, L.	Marsh	Scofield
Carsten	Hall	Johnson, R.	McDonald	Vickers
Chronister	Hannibal	Johnson, V.	Pappas	Von Minden
Clark	Harris	Kahle	Peterson, H.	Wagner
Eret	Hefner	Lamb	Remmers	Wesely
				Withem

Voting in the negative, 0.

Present and not voting, 6:

Chambers	DeCamp	Goll	Labeledz	Nichol Sieck
----------	--------	------	----------	-----------------

Excused and not voting, 7:

Beutler	Hoagland	Morehead	Newell	Peterson, R. Pirsch Warner
---------	----------	----------	--------	----------------------------------

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Mr. Landis moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 49: Timothy Doyle - State Personnel Board.

Voting in the affirmative, 36:

Abboud	Carsten	DeCamp	Goll	Hannibal
Barrett	Chronister	Eret	Goodrich	Higgins
Beyer	Clark	Fenger	Hall	Jacobson

Johnson, L.	Lamb	Nichol	Rupp	Vickers
Johnson, V.	Landis	Pappas	Schmit	Von Minden
Kahle	Lundy	Peterson, H.	Scofield	Wagner
Labeledz	Marsh	Remmers	Sieck	Wesely
				Withem

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Haberman	Harris	Hefner	Johnson, R.
				McDonald

Excused and not voting, 7:

Beutler	Hoagland	Morehead	Newell	Peterson, R.
				Pirsch
				Warner

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Mr. Vickers moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 49:

Randy Bruns - Board of Educational Lands and Funds
 Robert Gunderson - Safety Center Advisory Council
 Judge Janice Walker - Safety Center Advisory Council
 Carol Cope - Safety Center Advisory Council
 Marvin Renner - Safety Center Advisory Council
 Dr. Kenneth Kimball - Safety Center Advisory Council
 Gary Lund - Safety Center Advisory Council
 Fred Zwonechek - Safety Center Advisory Council
 Beth Klosterman - Safety Center Advisory Council
 Robert Ferguson - Safety Center Advisory Council.

Voting in the affirmative, 37:

Abboud	Eret	Harris	Landis	Rupp
Barrett	Fenger	Higgins	Lundy	Schmit
Beyer	Goll	Jacobson	McDonald	Scofield
Carsten	Goodrich	Johnson, L.	Nichol	Sieck
Chronister	Haberman	Johnson, R.	Pappas	Vickers
Clark	Hall	Johnson, V.	Peterson, H.	Von Minden
DeCamp	Hannibal	Lamb	Remmers	Wagner
				Wesely
				Withem

Voting in the negative, 0.

Present and not voting, 5:

Chambers Hefner Kahle Labedz Marsh

Excused and not voting, 7:

Beutler Hoagland Morehead Newell Peterson, R.
Pirsch
Warner

The appointments were confirmed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 5. Considered.

Mr. DeCamp moved to suspend the rules, Rule 4, Sections 2, 5, 6 and 8, Rule 3, Section 4 (e) and 13 and Rule 6, Section 2 so as to allow the consideration of LR 5.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. DeCamp requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 24:

Barrett	Haberman	Lamb	Pappas	Schmit
Beyer	Hefner	Lundy	Peterson, H.	Scofield
Clark	Jacobson	Marsh	Peterson, R.	Von Minden
DeCamp	Johnson, L.	Morehead	Remmers	Wagner
Eret	Kahle	Nichol	Rupp	

Voting in the negative, 22:

Abboud	Chronister	Hall	Johnson, R.	McDonald
Beutler	Fenger	Hannibal	Johnson, V.	Pirsch
Carsten	Goll	Harris	Labedz	Sieck
Chambers	Goodrich	Higgins	Landis	Vickers
				Wesely
				Withem

Excused and not voting, 3:

Hoagland Newell Warner

The DeCamp motion lost with 24 ayes, 22 nays, and 3 excused and not voting.

The Chair declared the Call raised.

SELECT FILE

LEGISLATIVE BILL 2. E & R amendment, AM5001, found in the Journal on page 54 for the Fourth Day was adopted.

Messrs. Sieck and Hefner asked unanimous consent to withdraw their pending amendment, AM0013S, found in the Journal on page 56. No objections. So ordered.

Messrs. Sieck and Hefner offered the following amendment:

1. On page 3, strike beginning with "The" in line 7 through "agricultural" in line 8 and insert "Agricultural".

2. On page 4, strike beginning with "authorizing" in line 5 through "Legislature" in line 6; and in line 7 after "taxation" insert "and to provide a basis for valuation".

MR. KAHLE PRESIDING

SPEAKER NICHOL PRESIDING

The Sieck-Hefner amendment lost with 5 ayes, 31 nays, 11 present and not voting, and 2 excused and not voting.

Mr. Landis renewed his pending amendment, AM0017S, found in the Journal on page 55.

Mr. Newell requested a record vote on the Landis amendment.

Voting in the affirmative, 15:

Abboud	Goodrich	Labeledz	Marsh	Vickers
DeCamp	Hefner	Landis	McDonald	Wesely
Eret	Johnson, V.	Lundy	Newell	Withem

Voting in the negative, 27:

Barrett	Fenger	Higgins	Lamb	Remmers
Beyer	Goll	Jacobson	Morehead	Rupp
Carsten	Haberman	Johnson, L.	Pappas	Schmit
Chronister	Hall	Johnson, R.	Peterson, H.	Scofield
Clark	Harris	Kahle	Pirsch	Sieck
				Von Minden
				Wagner

Present and not voting, 5:

Beutler	Chambers	Hannibal	Nichol	Peterson, R.
---------	----------	----------	--------	--------------

Excused and not voting, 2:

Hoagland	Warner
----------	--------

The Landis amendment lost with 15 ayes, 27 nays, 5 present and not voting, and 2 excused and not voting.

Messrs. Hefner and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labeledz offered the following amendment:

AM001S

- 1 1. On page 3, line 25, after "year." insert
- 2 "The Legislature may provide that residential property,
- 3 the use or enjoyment of which is detrimentally affected
- 4 by such property's proximity to environmental wastes,
- 5 odors, or other noxious byproducts emanating from
- 6 activities relating to agricultural or horticultural
- 7 uses, shall constitute a separate and distinct class of
- 8 property for purposes of taxation.".
- 9 2. On page 4, line 7, after "land" insert
- 10 "and certain residential property".

Mr. Fenger raised a point of order on whether the Labeledz amendment is within the scope of the Proclamation as issued by the Governor.

The Chair sustained Mr. Fenger's point of order and ruled the Labeledz amendment out of order.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell renewed his pending amendment, AM015S, found in the Journal on page 55.

Mr. Newell asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. DeCamp offered the following amendment:

Line 9, page 3, after "used" add the word "solely".

The DeCamp amendment was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

Mr. DeCamp offered the following amendment:

To amend LB 2 to read as follows, on page 2, line 8, strike the period and insert "except after December 31, 1985, any tax imposed upon real property shall not exceed one and one half percent of its valuation."

Mr. Fenger asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers raised a point of order on whether the DeCamp amendment is within the scope of the Proclamation as issued by the Governor.

The Chair sustained Mr. Chambers' point of order and ruled the DeCamp amendment out of order.

Mr. V. Johnson offered the following amendment:

To amend LB 2 by striking the words "solely used for" in line 9, page 3 and substituting "actively devoted to" and by striking "purposes" in line 10, page 3 and substituting "uses".

The V. Johnson amendment was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Mr. Vickers offered the following amendment:

That LB 2 be amended as follows: page 3, line 9, following "land", insert "and improvements"

Page 4, line 7, following "land" insert "and improvements"

Mr. Clark raised a point of order on whether the Vickers amendment is within the scope of the Proclamation as issued by the Governor.

The Chair sustained Mr. Clark's point of order and ruled the Vickers amendment out of order.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Labedz requested a machine vote on the advancement of the bill.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Barrett	Eret	Kahle	Nichol	Scofield
Beutler	Goll	Lamb	Pappas	Sieck
Beyer	Haberman	Lundy	Peterson, H.	Vickers
Carsten	Hefner	Marsh	Peterson, R.	Von Minden
Chronister	Jacobson	McDonald	Remmers	Wagner
Clark	Johnson, L.	Morehead	Rupp	
DeCamp	Johnson, R.	Newell	Schmit	

Voting in the negative, 14:

Abboud	Goodrich	Harris	Labedz	Wesely
Chambers	Hall	Higgins	Landis	Withem
Fenger	Hannibal	Johnson, V.	Pirsch	

Hoagland Warner

Advanced to E & R for Engrossment with 33 ayes, 14 nays, and 2 excused and not voting.

Mrs. Higgins moved to adjourn sine die. The motion lost with 10 ayes, 29 nays, 8 present and not voting, and 2 excused and not voting.

VISITOR

Visitor to the Chamber was Bob Brauninger from Hemingford.

RECESS

At 11:58 a.m., on a motion by Mrs. Higgins, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Goodrich, V. Johnson, Sieck, and Wagner who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 3 and LR 4.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 2.

(Signed) Rod Johnson, Chairperson

Enrollment and Review Change to LB 2

The following changes, required to be reported for publication in the Journal, have been made:

ER001S

1. In lieu of the V. Johnson amendment adopted on August 29:
 - (a) The DeCamp amendment adopted on August 29 has been struck;

and

(b) On page 3, line 9, "used for" has been struck and "actively devoted to" inserted; and in line 10 "purposes" has been struck and "uses" inserted.

(Signed) Steve Huggenberger
E & R Attorney

ANNOUNCEMENT

Mr. Chronister announced that the Committee on Committees has this day taken action to appoint Senator Gary Hannibal to serve as a member of the Appropriations Committee; Senator Carol Pirsch to serve as a member of the Revenue Committee; Senator Marge Higgins to serve on the Miscellaneous Subjects Committee and Senator Tim Hall to serve on the Judiciary and Government, Military and Veterans Affairs Committees.

MOTION - Place LB 3 on General File

Mr. Chambers renewed his pending motion found in the Journal on page 55 to place LB 3 on General File notwithstanding the action of the Committee.

Mr. Fenger moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 18 nays, and 22 not voting.

MRS. MARSH PRESIDING

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Labeledz requested a record vote on the Chambers motion to place LB 3 on General File.

Voting in the affirmative, 24:

Beutler	Harris	Landis	Newell	Sieck
Chambers	Hoagland	Lundy	Nichol	Warner
Eret	Johnson, V.	Marsh	Peterson, H.	Wesely
Hall	Labeledz	McDonald	Pirsch	Withem
Hannibal	Lamb	Morehead	Schmit	

Voting in the negative, 24:

Abboud	Clark	Hefner	Kahle	Scofield
Barrett	DeCamp	Higgins	Pappas	Vickers
Beyer	Fenger	Jacobson	Peterson, R.	Von Minden
Carsten	Goll	Johnson, L.	Remmers	Wagner
Chronister	Haberman	Johnson, R.	Rupp	

Excused and not voting, 1:

Goodrich

The Chambers motion lost with 24 ayes, 24 nays, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 7.

Introduced by DeCamp, 40th District; Schmit, 23rd District; Kahle, 37th District; Rupp, 22nd District; Nichol, 48th District; Clark, 47th District; Jacobson, 33rd District; H. Peterson, 35th District; L. Johnson, 15th District; R Johnson, 34th District; Pappas, 42nd District; Newell, 13 District.

A Resolution to propose an amendment to Article VIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, ~~semi-trailers~~ semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion

that the levy of each bears to the total levy of said county on personal tangible property. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. The Legislature may provide that agricultural and horticultural land actively devoted to agricultural or horticultural uses shall constitute a separate and distinct class of property for purposes of taxation. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.”

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment authorizing the Legislature to separately classify agricultural and horticultural land.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Mr. DeCamp moved to suspend the rules, Rule 4, Sections 2, 5, 6 and 8, Rule 3, Section 13 and Rule 6, Section 2 so as to allow the consideration of LR 7.

Mr. Wagner moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. Haberman requested a roll call vote on the DeCamp motion to suspend the rules.

Voting in the affirmative, 30:

Barrett	Fenger	Jacobson	Morehead	Pirsch
Beyer	Haberman	Johnson, L.	Newell	Rupp
Chronister	Hall	Johnson, R.	Nichol	Schmit
Clark	Hannibal	Johnson, V.	Pappas	Von Minden
DeCamp	Hefner	Kahle	Peterson, H.	Wagner
Eret	Higgins	Lamb	Peterson, R.	Withem

Voting in the negative, 16:

Abboud	Chambers	Hoagland	Lundy	Sieck
Beutler	Goll	Labedz	McDonald	Vickers
Carsten	Harris	Landis	Remmers	Warner
				Wesely

Present and not voting, 2:

Marsh Scofield

Excused and not voting, 1:

Goodrich

The DeCamp motion to suspend the rules prevailed with 30 ayes, 16 nays, 2 present and not voting, and 1 excused and not voting.

Mr. Warner offered the following amendment to LR 7.

On page 2, line 26 strike "actively devoted to" and insert "used solely for"

On page 3, line 1 strike "uses" and insert "purposes".

SPEAKER NICHOL PRESIDING

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The Warner amendment was adopted with 34 ayes, 2 nays, 12 present and not voting, and 1 excused and not voting.

Messrs. Sieck and Newell asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved to bracket LR 7 until Thursday, August 30th.

The Beutler motion prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

MOTION - Return LB 2 to Select File

Mr. Warner moved to return LB 2 to Select File for the following

specific amendment:

To amend LB 2, strike the Vard Johnson amendment to the green copy adopted on 8-29-84.

The Warner motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 2. The Warner specific amendment found in this day's Journal was adopted with 26 ayes, 2 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 2 to Select File

Mr. Hoagland moved to return LB 2 to Select File for the following specific amendment:

To amend LB 2 by inserting the word "land" after "agricultural" in line 8, page 3.

The Hoagland motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 2. The Hoagland specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 7. Considered.

Mr. DeCamp offered the following amendment:

To amend LR 7 on page 2 line 25 after the word "agricultural" insert the word "land"

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

The DeCamp amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Wesely moved to adjourn sine die. The motion lost with 6 ayes, 24 nays, 15 present and not voting, and 4 excused and not voting.

EASE

The Legislature was at ease from 5:02 p.m. until 5:04 p.m.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: LB 2.

(Signed) Rod Johnson, Chairperson

VISITOR

Visitor to the Chamber was Mr. Larry Sheppard from Keya Paha county.

ADJOURNMENT

At 5:05 p.m., on a motion by Mrs. Morehead, the Legislature adjourned until 9:00 a.m., Thursday, August 30, 1984.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - AUGUST 30, 1984

LEGISLATIVE JOURNAL

SIXTH DAY - AUGUST 30, 1984

LEGISLATIVE JOURNAL

**EIGHTY-EIGHTH LEGISLATURE
FIRST SPECIAL SESSION**

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, August 30, 1984

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hannibal, V. Johnson, Landis, Newell, Rupp, Wesely, and Mesdames Higgins and Pirsch were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Enrollment and Review Changes to LB 2

The following changes, required to be reported for publication in the Journal, have been made:

ER0002

1. The E and R change on pages 67 and 68 of the Journal has been struck.

(Signed) Steve Huggenberger
E & R Attorney

COMMITTEE ON COMMITTEES REPORT

Mr. Chronister moved to have the Committee on Committees Report

approved, found in the Journal on page 68 to appoint Senator Gary Hannibal to serve as a member of the Appropriations Committee; Senator Carol Pirsch to serve as a member of the Revenue Committee; Senator Marge Higgins to serve on the Miscellaneous Subjects Committee and Senator Tim Hall to serve on the Judiciary and Government, Military and Veterans Affairs Committee.

The motion prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 7. Considered.

Mr. Chambers moved to indefinitely postpone LR 7.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone LR 7.

Voting in the affirmative, 12:

Chambers	Hall	Higgins	Labeledz	McDonald
Fenger	Harris	Hoagland	Landis	Pirsch
				Wesely
				Withem

Voting in the negative, 31:

Barrett	Goll	Kahle	Nichol	Schmit
Beyer	Haberman	Lamb	Pappas	Scofield
Carsten	Hefner	Lundy	Peterson, H.	Sieck
Chronister	Jacobson	Marsh	Peterson, R.	Vickers
Clark	Johnson, L.	Morehead	Remmers	Von Minden
DeCamp	Johnson, R.	Newell	Rupp	Wagner
				Warner

Present and not voting, 4:

Abboud	Beutler	Eret	Goodrich
--------	---------	------	----------

Excused and not voting, 2:

Hannibal	Johnson, V.
----------	-------------

The Chambers motion lost with 12 ayes, 31 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:

Amend LR 7 page 2 in line 2 of new language, strike "may", insert "shall".

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 4:

Chambers	Hall	Higgins	Labeledz
----------	------	---------	----------

Voting in the negative, 41:

Abboud	Goll	Johnson, L.	Morehead	Rupp
Barrett	Goodrich	Johnson, R.	Newell	Schmit
Beyer	Haberman	Kahle	Nichol	Scofield
Carsten	Hannibal	Lamb	Pappas	Vickers
Chronister	Harris	Landis	Peterson, H.	Von Minden
Clark	Hefner	Lundy	Peterson, R.	Wagner
DeCamp	Hoagland	Marsh	Pirsch	Warner
Fenger	Jacobson	McDonald	Remmers	Wesely
				Withem

Present and not voting, 3:

Beutler	Eret	Sieck
---------	------	-------

Excused and not voting, 1:

Johnson, V.

The Chambers amendment lost with 4 ayes, 41 nays, 3 present and not voting, and 1 excused and not voting.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 2 nays, and 13 not voting.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 7.

A Resolution to propose an amendment to Article VIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

Section 1. That at the general election in November 1984 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, except that the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent as provided by the Legislature and may also establish a separate class for trucks, trailers, ~~semi-trailers~~ semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property. The Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall, for property tax purposes, be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses, and prescribe standards and methods for the determination of the value of real or other tangible property at uniform and proportionate values. The Legislature may provide that agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared to be exempt from taxation. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. The Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located

in this state for only part of a year.”

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment authorizing the Legislature to separately classify agricultural and horticultural land.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 32:

Barrett	DeCamp	Johnson, L.	Morehead	Remmers
Beutler	Eret	Johnson, R.	Newell	Rupp
Beyer	Goll	Kahle	Nichol	Schmit
Carsten	Haberman	Lamb	Pappas	Scofield
Chronister	Hefner	Lundy	Peterson, H.	Sieck
Clark	Jacobson	Marsh	Peterson, R.	Vickers
				Von Minden
				Wagner

Voting in the negative, 16:

Abboud	Goodrich	Harris	Labeledz	Pirsch
Chambers	Hall	Higgins	Landis	Warner
Fenger	Hannibal	Hoagland	McDonald	Wesely
				Withem

Excused and not voting, 1:

Johnson, V.

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 7.

MOTION - Advise Governor

Mr. Newell moved that a committee of five be appointed to wait upon

the Governor to advise him that the Legislature has completed its work and is ready to adjourn and to ask if he has any further message for the Legislature.

The motion prevailed.

The Chair appointed Ms. Scofield, Messrs. Hall, McDonald, Lundy, and Wagner to serve on said Committee.

The Committee escorted Governor Robert Kerrey to the rostrum where he spoke to the members briefly.

The Committee escorted the Governor from the Chamber.

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on August 30, 1984, at 10:51 a.m., was the following resolution: LR 7.

(Signed) Jan Loder, Enrolling Clerk

MOTION - Disposition of Bills and Resolutions

Mr. L. Johnson moved that all bills and resolutions not otherwise disposed of be indefinitely postponed.

The motion prevailed.

MOTION - Approve Legislative Journal

Mr. Clark moved that the Legislative Journal for the Sixth Day be approved as prepared by the Clerk.

The motion prevailed.

MESSAGE FROM THE SECRETARY OF STATE

August 30, 1984

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol

Dear Mr. O'Donnell:

L.R. 7, adopted on August 30, 1984, by the Eighty-eighth Legislature of Nebraska, first special session (extraordinary), to provide that agricultural land and horticultural land used solely for agricultural and horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation was received in

the office of Secretary of State at 10:55 a.m. on August 30, 1984.

L.R. 7 is now on file in the office of Secretary of State and is a matter of public record.

The Secretary of State will carry out all statutory requirements for the placing of the constitutional amendment on the ballot, publication and preparation of sample ballots.

(Signed) Respectfully Submitted,
RALPH ENGLERT
Deputy Secretary of State

(Certificate attached)

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.R. 7, adopted on August 30, 1984, by the Eighty-eighth Legislature of Nebraska, first special session (extraordinary), to provide that agricultural land and horticultural land used solely for agricultural and horticultural purposes shall constitute a separate and distinct class of property for purposes of taxation was received in the office of Secretary of State at 10:55 a.m. on August 30, 1984.

Further, I hereby certify that the original of L.R. 7 is on file in the office of the Secretary of State and is now a matter of public record.

Finally, I hereby certify that the Secretary of State shall forthwith carry out all statutory requirements with regard to the placing of the constitutional amendment on the ballot for the November 6, 1984 General Election, including the publication thereof, at least three times in every legal newspaper of the State of Nebraska and the preparation of sample ballots to be sent to the respective counties.

Further, I saith not.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this thirtieth day of August in the year of our Lord, one thousand nine hundred and eighty-four.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MOTION - Sine Die

Mr. Jacobson moved that the Eighty-Eighth Legislature, First Special Session of the Legislature having finished all business before it, now at 10:58 a.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

82

no 42

CHRONOLOGY OF BILLS
EIGHTY-EIGHTH LEGISLATURE
FIRST SPECIAL SESSION
1984

LEGISLATIVE BILL 1. By Speaker Nichol, at request of Governor

Aug. 16	1	Read first time	18
Aug. 16	1	Labeledz motion to suspend rules prevailed. Referred to Committee on Constitutional Revision and Recreation. Notice of hearings (8-16) and (8-27)	20
Aug. 17	2	Warner motion to rerefer to General File ruled out of order	26
Aug. 28	4	Attorney General's Opinion #227 to Newell	37
Aug. 30	6	Indefinitely postponed	79

LEGISLATIVE BILL 2. By Speaker Nichol, at request of Governor

Aug. 16	1	Read first time	18
Aug. 16	1	Labeledz motion to suspend rules prevailed. Referred to Committee on Constitutional Revision and Recreation. Notice of hearing (8-16)	20
Aug. 16	1	Notice of hearing (8-27)	21
Aug. 17	2	Warner motion to rerefer to General File ruled out of order	26
Aug. 27	3	Placed on General File - Com am #0115	36
Aug. 28	4	Committee amendment #0115 adopted. Labeledz amendment #001S and Vickers amendment #002S lost. Wesely motion to indefinitely postpone lost. Chambers motion to bracket until 8/30 prevailed	41
Aug. 28	4	Hefner motion to unbracket prevailed. Advanced for Review	53
Aug. 28	4	Placed on Select File - AM5001	54
Aug. 28	4	Newell amendment #0015S and Landis	

		amendment #0017S printed	55
Aug. 28	4	Sieck-Hefner amendment #0013S printed	56
Aug. 29	5	AM5001 (E & R) adopted. Sieck-Hefner amendment #0013S p. 56 withdrawn. Sieck-Hefner amendment and Landis pending amendment p. 55 lost. Labeledz reoffered amendment #0015S ruled out of order. Newell pending amendment #0015S p. 55 withdrawn. DeCamp and V. Johnson amendments adopted. DeCamp and Vickers amendments ruled out of order. Advanced for Engrossment	64
Aug. 29	5	Correctly Engrossed. ER001S change	67
Aug. 29	5	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment	71
Aug. 29	5	Returned to Select File for Hoagland amendment. Hoagland amendment adopted. Advanced for Re-Engrossment	72
Aug. 29	5	Correctly Re-Engrossed	73
Aug. 30	6	ER0002 change	74
Aug. 30	6	Indefinitely postponed	79

LEGISLATIVE BILL 3. By Speaker Nichol, at request of Governor

Aug. 16	1	Read first time	18
Aug. 17	2	Referred to General File with hearing in Banking, Commerce and Insurance Committee .	24
Aug. 17	2	Point of order. DeCamp motion to refer to Reference Committee prevailed. Chambers motion to overrule Chair lost	25
Aug. 17	2	Referred to Banking, Commerce and Insurance Committee	26
Aug. 17	2	Notice of hearing (8-27). Chambers motion to rerefer to Commonwealth Committee lost	27
Aug. 28	4	Indefinitely postponed	41
Aug. 28	4	Chambers motion to place on General File laid over	55
Aug. 29	5	Chambers pending motion to place on General File lost	68

CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

EIGHTY-EIGHTH LEGISLATURE FIRST SPECIAL SESSION 1984

LEGISLATIVE RESOLUTION 1CA. By DeCamp, Haberman, Chronister, Pappas

Aug. 16	1	Read first time	19
Aug. 16	1	Labeledz motion to suspend rules prevailed. Referred to Committee on Constitutional Revision and Recreation. Notice of hearing (8/16)	20
Aug. 16	1	Notice of hearing (8/27)	21
Aug. 17	2	Warner motion to rerefer to General File ruled out of order	26
Aug. 27	3	Attorney General's Opinion to Warner	33
Aug. 27	3	Indefinitely postponed	36

LEGISLATIVE RESOLUTION 5CA. By DeCamp

Aug. 28	4	Read first time	47
Aug. 28	4	DeCamp motion to suspend rules pending	48
Aug. 28	4	DeCamp pending motion to suspend rules lost	50
Aug. 28	4	Referred to Executive Board	51
Aug. 29	5	DeCamp motion to suspend rules lost	63
Aug. 30	6	Indefinitely postponed	79

LEGISLATIVE RESOLUTION 6CA. By Barrett, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Schmit, Scofield, Sieck, Vickers, Von Minden, Wagner

Aug. 28	4	Read first time	51
Aug. 28	4	Hefner motion to suspend rules (as divided) lost. Referred to	

		Executive Board	52
Aug. 30	6	Indefinitely postponed	79

LEGISLATIVE RESOLUTION 7CA. By DeCamp, Schmit, Kahle, Rupp, Nichol, Clark, Jacobson, H. Peterson, L. Johnson, R. Johnson, Pappas, Newell

Aug. 29	5	Read first time. DeCamp motion to suspend rules prevailed. Warner amendment adopted. Beutler motion to bracket until 8/30 prevailed	69
Aug. 29	5	DeCamp amendment adopted	72
Aug. 30	6	Chambers motion to indefinitely postpone lost. Chambers amendment lost. Final Reading 32-16-1	76
Aug. 30	6	Speaker signed	78
Aug. 30	6	Presented to Secretary of State. Message from Secretary of State	79
Aug. 30	6	Certificate	80

**LEGISLATIVE BILLS AND
CONSTITUTIONAL AMENDMENT RESOLUTIONS
BY INTRODUCERS**

WILLIAM E. BARRETT

LR

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

HARRY B. CHRONISTER

LR

- 1CA* Eliminates requirement that taxes be levied uniformly and proportionately.
- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

ROBERT L. CLARK

LR

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.
- 7CA* Provide separate tax class for agricultural and horticultural land.

JOHN W. DECAMP

LR

- 1CA* Eliminates requirement that taxes be levied uniformly and proportionately.
- 5CA Provide separate tax class for agricultural and horticultural land.
- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.
- 7CA* Provide separate tax class for agricultural and horticultural land.

DON ERET

LR

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

JAMES E. GOLL

LR

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

REX HABERMAN**LR**

- 1CA* Eliminates requirement that taxes be levied uniformly and proportionately.
- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

ELROY M. HEFNER**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

CLARENCE E. JACOBSON**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.
- 7CA* Provide separate tax class for agricultural and horticultural land.

LOWELL C. JOHNSON**LR**

- 7CA* Provide separate tax class for agricultural and horticultural land.

ROD JOHNSON**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.
- 7CA* Provide separate tax class for agricultural and horticultural land.

MARTIN F. KAHLE**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.
- 7CA* Provide separate tax class for agricultural and horticultural land.

HOWARD A. LAMB**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

RAY E. LUNDY

LR

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

SHIRLEY MARSH

LR

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

PATRICIA S. MOREHEAD

LR

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

DAVE NEWELL

LR

- 7CA* Provide separate tax class for agricultural and horticultural land.

WILLIAM E. NICHOL

LB

- 1** Exempt from taxation a portion of agricultural and horticultural land.
2** Create separate tax class for agricultural and horticultural land.
3** Provide acquisition procedures for failing financial institutions.

LR

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.
7CA* Provide separate tax class for agricultural and horticultural land.

JAMES E. PAPPAS

LR

- 1CA* Eliminates requirement that taxes be levied uniformly and proportionately.
6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.
7CA* Provide separate tax class for agricultural and horticultural land.

HOWARD L. PETERSON**LR**

- 7CA* Provide separate tax class for agricultural and horticultural land.

RICHARD PETERSON**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

R. WILEY REMMERS**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

LEE RUPP**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.
7CA* Provide separate tax class for agricultural and horticultural land.

LORAN SCHMIT**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.
7CA* Provide separate tax class for agricultural and horticultural land.

SANDRA K. SCOFIELD**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

HAROLD F. SIECK**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

THOMAS VICKERS**LR**

- 6CA* Provide agricultural and horticultural separate tax class and base valuation on earning capacity.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

91

MERLE VON MINDEN

LR

6CA* Provide agricultural and horticultural separate tax class
and base valuation on earning capacity.

DONALD L. WAGNER

LR

6CA* Provide agricultural and horticultural separate tax class
and base valuation on earning capacity.

With others.

At the request of the Governor.

**LEGISLATIVE BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE**

Banking, Commerce and Insurance

Chairperson - John DeCamp

3

Constitutional Revision and Recreation

Chairperson - Bernice Labedz

1

2

LR1CA

SUMMARY OF LEGISLATION

Eighty-Eighth Legislature, First Special Session

Total number of bills introduced: 3

Total number of resolutions introduced: 7

Resolution CA delivered to Secretary of State, 1:

LR7CA

Indefinitely Postponed, 6:

LB1 LB2 LB3 LR1CA LR5CA LR6CA

Resolutions adopted, 3:

LR2 LR3 LR4

GENERAL INDEX

ACNOWLEDGEMENTS

Flags, Nebraska Air National Guard 1

ADJOURNMENT

Motion 57
Sine die 67, 72, 80

ANNOUNCEMENTS

Appropriations meeting 21
Committee on Committees Report 68, 74

APPOINTMENTS

Ashford, J. Brad - Commission of Industrial
Relations 22, 26, 28, 39, 61
Bruns, Randy - Board of Educational Lands
and Funds 8, 24, 49, 62
Cope, Carol - Safety Center Advisory
Council 24, 49, 62
Coyle, Richard L. - Game and Parks
Commission 8, 24, 26, 36, 60
Doyle, Timothy J. - State Personnel Board 10, 24, 29, 49, 61
Ferguson, Robert - Safety Center Advisory
Council 24, 50, 62
Gunderson, Robert - Safety Center Advisory
Council 24, 49, 62
Kimball, Dr. Kenneth - Safety Center Advisory
Council 24, 49, 62
Klosterman, Beth - Safety Center Advisory
Council 24, 50, 62
Lund, Gary - Safety Center Advisory
Council 24, 50, 62
Noring, Richard L. - Motor Vehicle Industry
Licensing Board 9, 24, 35, 59
Ramold, John - Nebraska Commission for the
Hearing Impaired 9, 24
Renner, Marvin - Safety Center Advisory
Council 24, 49, 62
Tesar, Gary L. - Nebraska Accountability and Disclosure
Commission, Secretary of State appointment 23, 26, 29

GENERAL INDEX

95

Volkmer, Ronald R. - Nebraska Accountability and Disclosure Commission	10, 24, 29
Walker, Judge Janice - Safety Center Advisory Council	24, 49, 62
Zwonechek, Fred - Safety Center Advisory Council	24, 50, 62

ASSISTANT CLERK OF THE LEGISLATURE

Election	16
----------------	----

ATTORNEY GENERAL'S OPINIONS, LETTERS

Fertilizer trailer, definition of (Chronister #217)	11
Holdrege City Administrator, accept temporary appointment (Lundy #218)	12
LB 1, 1984 special session, constitutional amendment on exempting from taxation a portion of agricultural and horticultural land (Newell #227)	37
LB 679, 1984, allow certain register of deeds to use computerized system (Pappas #220)	14
LB 744, 1984, prohibit use of mechanical lottery devices (Pepperl)	13
LB 796, 1984, exempt oxygen from sales tax (Pappas #209)	11
LB 949, 1984, change provisions governing bingo, lotteries, and raffles (Pepperl)	13
LR 1, eliminates requirement that taxes be levied uniformly and proportionately (Warner #226)	33
Nebraska Racing Commission and Thoroughbred Racing Association, violate antitrust laws (DeCamp #223)	30

BILLS

Disposition of Bills	79
----------------------------	----

BIRTHDAYS

Abboud, Chris	59
---------------------	----

CERTIFICATE

Governor appointments	
Tim J. Hall	5

LR 7	80
Official Roster of Members	3
CHAPLAIN COORDINATOR	
Election	16
Palmer, Dr. Robert	1, 22, 29, 37, 59, 74
CLERK OF THE LEGISLATURE	
Election	16
COMMITTEES, OTHER THAN STANDING	
Committee on Committees Report	68, 74
COMMITTEES, STANDING	
Governor Appointments	
Notice of hearings	24, 26, 28, 29
Standing committee reports	35, 36, 39, 49
DECLARATION	
Special Session	1
GOVERNOR	
Addressed Legislature	16, 78
Appointments - Legislature	
Tim J. Hall	4
Appointment letters	8-10, 22
Legislature approved Governor appointments	59-63
Notice of committee hearings,	
Governor appointments	24, 26, 28, 29
Proclamation, Special Session	2
Reference committee report,	
Governor appointments	24, 26
Standing committee report,	
Governor appointments	35, 36, 39, 49
JOURNAL, LEGISLATIVE	
Approval of	79
LOBBYISTS REPORT	
.....	39
MOTIONS	
Adjournment	57, 67, 72, 80
Approve Legislative Journal	79
Bracket bills	44, 71

GENERAL INDEX 97

Disposition of bills and resolutions	79
Election of Officers	16
Legislature approve Governor appointments	59-63
Notify Governor	16, 78
Place on General File	55, 68
Rerefer bills	26, 27
Suspend Rules	
Constitutional amendments be referred to Constitutional	
Revision and Recreation Committee	20
Take up resolution now	45, 46, 48, 52, 54, 63, 70
Unbracket bills	53

OATHS

Governor appointments - Legislature	
Tim J. Hall	6

POINT OF ORDER

LB 3	25
------------	----

PROCLAMATION

Special Session call	2
----------------------------	---

REFERENCE REPORTS, BILLS AND RESOLUTIONS

.....	23, 26
-------	--------

REFERENCE REPORTS, GOVERNOR APPOINTMENTS

.....	24, 26
-------	--------

REPORTS, ACKNOWLEDGED

Auditor of Public Accounts,	
report of examination	8
Auditor of Public Accounts, reports on	
state agencies	7
Board of Public Roads Classifications and Standards,	
minutes of the regular meetings in	
March, April, May, June	7
Committee on Committees Report	68, 74
Dept. of Personnel, evaluation of	
hiring rates and salary rates,	
Sec. 81-1335, part 3	7
Dept. of Labor, Division of Job Training, Modification	
of Title III Grant No. 31-31-11	7
State Building Division, lease renewal contracts	7
Dept. of Roads, Highway Safety Division,	
annual report	7

Dept. of Roads, Nebr. State Highway Commission, quarterly report	8
Dept. of Roads, statement of deposits to Highway Cash Fund and Roads Operation Cash Fund for March, April, May, June	7
Nebr. Development Finance Fund, annual report	7
Nebr. Gasohol Committee, biennial report	7
Nebr. Investment Finance Authority, Agricultural Division, reports of all loans made Sec. 45 of LB 626, 1983	7

RESIGNATION LETTERS

Kilgarin, Karen	4
-----------------------	---

RESOLUTIONS

Disposition of resolutions	79
----------------------------------	----

RESOLUTIONS, NUMERICAL

1CA	Eliminates requirement that taxes be levied uniformly and proportionately. (DeCamp, Haberman, Chronister, Pappas)	19, 20, 26, 36
2	Express sympathy to E. Thome Johnson family. (All senators)	44, 45, 49
3	Honor Nebraska Olympic medal winners. (All senators)	45, 46, 67
4	Declares agricultural and horticultural land taxes evaluated on earning capacity. (Schmit et al)	46, 54, 57, 48, 67
5CA	Provide separate tax class for agricultural and horticultural land. (DeCamp)	47, 48, 50, 63
6CA	Provide agricultural and horticultural separate tax class and base valuation on earning capacity. (26 senators)	51, 52
7CA	Provide separate tax class for agricultural and horticultural land. (DeCamp et al)	69-72, 75, 76, 78-80

RULINGS OF THE CHAIR

Challenge the Chair	25
Division of question	52
Point of Order	25, 26, 65, 66

GENERAL INDEX

99

SECRETARY OF STATE

Appointment, Gary L. Tesar	23
Bonds, oaths, and certificates	
of elected members	3, 5
Tim J. Hall	5
Resolutions received - LR 7	79

SERGEANT AT ARMS

Election	16
----------------	----

VISITORS, FOREIGN

Kwait	21
-------------	----



STATE OF NEBRASKA
LEGISLATURE
1984 SPECIAL SESSION BILLS AND RESOLUTIONS
INTRODUCED SUBJECT INDEX

1

AGRICULTURE

Portion of land: exempt from taxation(Speaker Nichol, at request of Governor).....	LB1
Separate tax class for land and base valuation on earning capacity: provide(Barrett, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Schmit, Scofield, Sieck, Vickers, Von Minden, Wagner).....	LR6CA
Separate tax class for land used solely for agricultural or horticultural purposes: provide(DeCamp, Schmit, Kahle, Rupp, Nichol, Clark, Jacobson, H. Peterson, L. Johnson, R. Johnson, Pappas, Newell).....	LR7CA
Separate tax class for land: create(Speaker Nichol, at request of Governor).....	LB2
Separate tax class for land: provide(DeCamp).....	LR5CA
Taxes based on earning capacity of land: legislature declares (Schmit, Barrett, Beyer, Carsten, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, L. Johnson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Scofield, Sieck, Vickers, Wagner, Warner).....	LR4

BANKS AND BANKING

Failing financial institutions: provide acquisition procedures for domestic and foreign institutions(Speaker Nichol, at request of Governor).....	LB3
---	-----

COMMONWEALTH

Failing financial institutions: provide acquisition procedures for domestic and foreign institutions(Speaker Nichol, at request of Governor).....	LB3
---	-----

CONSTITUTION

Portion of agricultural and horticultural land: exempt from taxation(Speaker Nichol, at request of Governor).....	LB1
Separate tax class for agricultural and horticultural land and base valuation on earning capacity: provide(Barrett, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Schmit, Scofield, Sieck, Vickers, Von Minden, Wagner).....	LR6CA
Separate tax class for agricultural and horticultural land: provide(DeCamp).....	LR5CA
Separate tax class for agricultural and horticultural land: create(Speaker Nichol, at request of Governor).....	LB2
Separate tax class for land used solely for agricultural or horticultural purposes: provide(DeCamp, Schmit, Kahle, Rupp, Nichol, Clark, Jacobson, H. Peterson, L. Johnson, R. Johnson, Pappas, Newell).....	LR7CA
Tangible property taxes be levied uniformly and proportionately: eliminates requirement(DeCamp, Haberman, Pappas, Chronister).....	LR1CA

DEATHS

Johnson, E. Thome: express sympathy to family(All Senators).....	LR2
--	-----

FARMS AND FARMING

Portion of agricultural and horticultural land: exempt from taxation(Speaker Nichol, at request of Governor).....	LB1
Separate tax class for agricultural and horticultural land and base valuation on earning capacity: provide(Barrett, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Schmit, Scofield, Sieck, Vickers, Von Minden, Wagner).....	LR6CA

SUBJECT INDEX

Separate tax class for agricultural and horticultural land: provide(DeCamp).....	LR5CA
Separate tax class for agricultural and horticultural land: create(Speaker Nichol, at request of Governor).....	LB2
Separate tax class for land used solely for agricultural or horticultural purposes: provide(DeCamp, Schmit, Kahle, Rupp, Nichol, Clark, Jacobson, H. Peterson, L. Johnson, R. Johnson, Pappas, Newell).....	LR7CA
Taxes based on earning capacity of land: legislature declares (Schmit, Barrett, Beyer, Carsten, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, L. Johnson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Scofield, Sieck, Vickers, Wagner, Warner).....	LR4

FINANCIAL INSTITUTIONS

Failing financial institutions: provide acquisition procedures for domestic and foreign institutions(Speaker Nichol, at request of Governor).....	LB3
---	-----

GOVERNOR

Failing financial institutions: provide acquisition procedures for domestic and foreign institutions(Speaker Nichol, at request of Governor).....	LB3
Portion of agricultural and horticultural land: exempt from taxation(Speaker Nichol, at request of Governor).....	LB1
Separate tax class for agricultural and horticultural land: create(Speaker Nichol, at request of Governor).....	LB2

HARTUNG, JIM

Nebraska gold medal winner: honor(All Senators).....	LR3
--	-----

HORTICULTURE

Portion of land: exempt from taxation(Speaker Nichol, at request of Governor).....	LB1
Separate tax class for land and base valuation on earning capacity: provide(Barrett, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Schmit, Scofield, Sieck, Vickers, Von Minden, Wagner).....	LR6CA
Separate tax class for land used solely for agricultural or horticultural purposes: provide(DeCamp, Schmit, Kahle, Rupp, Nichol, Clark, Jacobson, H. Peterson, L. Johnson, R. Johnson, Pappas, Newell).....	LR7CA
Separate tax class for land: create(Speaker Nichol, at request of Governor).....	LB2
Separate tax class for land: provide(DeCamp).....	LR5CA
Taxes based on earning capacity of land: legislature declares (Schmit, Barrett, Beyer, Carsten, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, L. Johnson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Scofield, Sieck, Vickers, Wagner, Warner).....	LR4

JOHNSON, E. THOME

Express sympathy to family(All Senators).....	LR2
---	-----

JOHNSON, SCOTT

Nebraska gold medal winner: honor(All Senators).....	LR3
--	-----

LEGISLATURE

Agricultural and horticultural land taxes evaluated on earning capacity: legislature declares(Schmit, Barrett, Beyer, Carsten, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, L. Johnson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Scofield, Sieck, Vickers, Wagner, Warner).....	LR4
--	-----

OLYMPICS

Nebraska medal winners: honor(All Senators)..... LR3

PROPERTY

Tangible property taxes be levied uniformly and proportionately:
eliminates requirement(DeCamp, Haberman, Pappas, Chronister)..... LR1CA

RESOLUTIONS

Agricultural and horticultural land taxes evaluated on earning capacity: legislature declares(Schmit, Barrett, Beyer, Carsten, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, L. Johnson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Scofield, Sieck, Vickers, Wagner, Warner)..... LR4
Nebraska medal winners: honor(All Senators)..... LR3
Separate tax class for agricultural and horticultural land and base valuation on earning capacity: provide(Barrett, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Schmit, Scofield, Sieck, Vickers, Von Minden, Wagner)..... LR6CA
Separate tax class for agricultural and horticultural land: provide(DeCamp)..... LR5CA
Separate tax class for land used solely for agricultural or horticultural purposes: provide(DeCamp, Schmit, Kahle, Rupp, Nichol, Clark, Jacobson, H. Peterson, L. Johnson, R. Johnson, Pappas, Newell)..... LR7CA
Tangible property taxes be levied uniformly and proportionately:
eliminates requirement(DeCamp, Haberman, Pappas, Chronister)..... LR1CA

REVENUE AND TAXATION

Agricultural and horticultural land taxes evaluated on earning capacity: legislature declares(Schmit, Barrett, Beyer, Carsten, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, L. Johnson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Scofield, Sieck, Vickers, Wagner)..... LR4
Portion of agricultural and horticultural land: exempt from taxation(Speaker Nichol, at request of Governor)..... LB1
Separate tax class for agricultural and horticultural land and base valuation on earning capacity: provide(Barrett, Chronister, Clark, DeCamp, Eret, Goll, Haberman, Hefner, Jacobson, R. Johnson, Kahle, Lamb, Lundy, Marsh, Morehead, Nichol, Pappas, R. Peterson, Remmers, Rupp, Schmit, Scofield, Sieck, Vickers, Von Minden, Wagner)..... LR6CA
Separate tax class for agricultural and horticultural land: provide(DeCamp)..... LR5CA
Separate tax class for agricultural and horticultural land: create(Speaker Nichol, at request of Governor)..... LB2
Separate tax class for land used solely for agricultural or horticultural purposes: provide(DeCamp, Schmit, Kahle, Rupp, Nichol, Clark, Jacobson, H. Peterson, L. Johnson, R. Johnson, Pappas, Newell)..... LR7CA
Tangible property taxes be levied uniformly and proportionately:
eliminates requirement(DeCamp, Haberman, Pappas, Chronister)..... LR1CA

ROHDE, LISA

Nebraska silver medal winner: honor(All Senators)..... LR3

VOLLERTSEN, JULIE

Nebraska silver medal winner: honor(All Senators)..... LR3

SECTION INDEX

SECTION	REPEAL		SECTION	REPEAL	
	OR AMEND	BILL		OR AMEND	BILL
8-903	A	3	8-1506	A	3
			8-1507	A	3

SECTION INDEX

CONSTITUTIONAL AMENDMENTS

ARTICLE	SECTION	REPEAL OR AMEND	#
VIII	1	A	LR 1
VIII	1	A	LB 2
VIII	1	A	LR 5
VIII	1	A	LR 6
VIII	1	A	LR 7
VIII	2	A	LB 1